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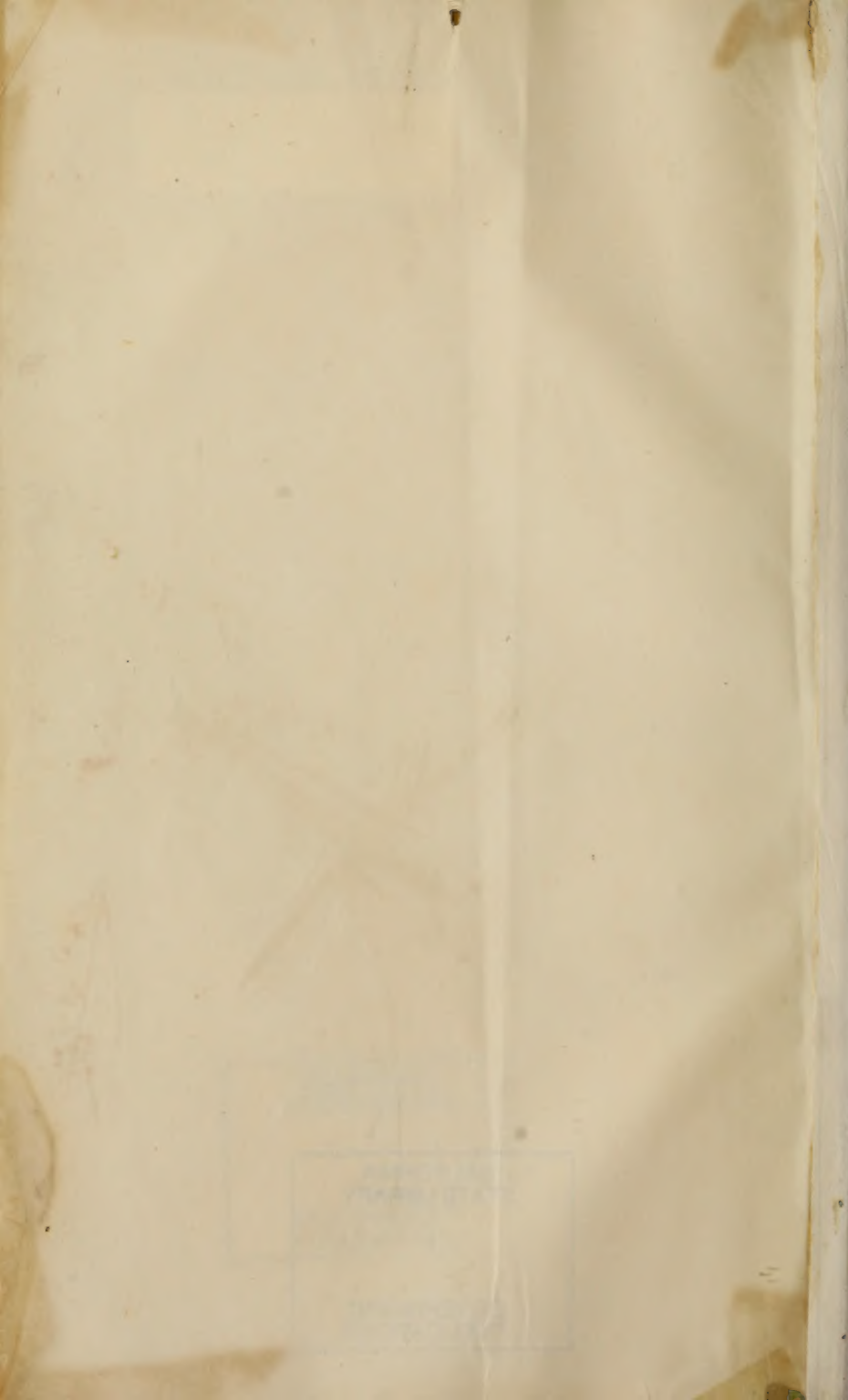


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THE  
JOURNAL OF THE SENATE,  
DURING  
THE THIRTEENTH SESSION  
OF THE  
*Legislature of the State of California:*  
1862.

BEGUN ON MONDAY, THE SIXTH DAY OF JANUARY, AND ENDED ON THURSDAY, THE FIFTEENTH DAY OF MAY.



SACRAMENTO:  
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.....  
1862.

JOURNAL OF THE SENATE

OF THE STATE OF CALIFORNIA

FOR THE YEAR 1880

PUBLISHED BY THE SENATE

---

BOUND BY F. FOSTER.....SACRAMENTO.



JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.

THE JOURNAL OF THE

PROCEEDINGS OF THE

ANNUAL MEETING OF THE

AMERICAN ASSOCIATION

OF GEOLOGISTS

AND MINERALOGISTS

HELD AT THE

CITY OF PHILADELPHIA

IN THE YEAR 1847

AND PUBLISHED BY

THE ASSOCIATION

OF GEOLOGISTS



# CALIFORNIA LEGISLATURE---IN SENATE.

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## THIRTEENTH SESSION.

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SENATE CHAMBER,  
Monday, January 6th, 1862. }

The Senate met, pursuant to the provisions of the Constitution, and was called to order by Hon. Pablo De la Guerra, President.

The roll of Senators holding over was called by the Secretary, and the following gentlemen answered to their names, to wit:

Messrs. Denver, De Long, Gallagher, Harvey, Heacock, Hill, Irwin, Parks, Rhodes, Shafter, Warmcastle, Williamson—12.

The roll of Senators elect was called, and the following gentlemen answered to their names, to wit:

Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Crane, Doll, Gaskill, Harriman, Hathaway, Kimball, Kutz, Lewis, Nixon, Oulton, Pacheco, Perkins, Porter, Powers, Quint, Soule, Shurtleff, Van Dyke, and Vineyard—24.

On motion of Mr. Shafter, a committee of three were appointed to wait upon Hon. E. Norton, and invite him to administer the oath of office to the members elect.

Messrs. Shafter, De Long, and Irwin, were appointed such committee.

Hon. Judge Norton came forward and administered the oath of office to the members elect, who severally subscribed to the same.

Mr. Parks moved that the Rules of the last Session be adopted, with the exception of Rule Number Ten.

Carried.

Mr. Denver offered the following resolution :

*Resolved*, That the Senate now proceed to the election of permanent officers, in the following order :

1. President pro tem.
2. Secretary.
3. Assistant Secretary.
4. Sergeant-at-Arms.
5. Assistant Sergeant-at-Arms.
6. Minute Clerk.
7. Journal Clerk.
8. Enrolling Clerk.
9. Engrossing Clerk.
10. Two Copying Clerks.

Mr. De Long moved to lay the resolution on the table.

Carried.

On motion of Mr. Rhodes, Mr. C. A. Uhrig was elected temporary Sergeant-at-Arms.

Mr. Crane offered the following resolution :

*Resolved*, That the Senate now proceed to the election of a President pro tem.

Mr. De Long moved to lay the resolution on the table.

Carried.

At thirty minutes past twelve o'clock, on motion of Mr. Warmcastle, the Senate adjourned until eleven o'clock, A. M., to-morrow.

PABLO DE LA GUERRA.

Attest: C. W. TOZER, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 7th, 1862. }

Senate met pursuant to adjournment.

Hon. Pablo De la Guerra, President, in the Chair.

Roll called.

Absent—Messrs. Doll, Porter, Thomas and Watt.

Minutes of yesterday read and approved.

Mr. Holden, member elect, came forward and took the oath of office—administered by Hon. Judge Cope.

Mr. De Long offered the following resolution :

*Resolved*, That the Senate now proceed to the election of its permanent officers, in the following order :



1. President pro tem.
2. Secretary.
3. Assistant Secretary.
4. Sergeant-at-Arms.
5. Assistant Sergeant-at-Arms.
6. Minute Clerk.
7. Journal Clerk.
8. Enrolling Clerk.
9. Engrossing Clerk.
10. Two Copying Clerks.

Adopted.

FOR PRESIDENT PRO TEM.

Mr. Soule nominated Mr. J. McM. Shafter.

Mr. Irwin nominated Mr. Wm. T. Lewis.

Nominations being closed, the roll was called, with the following result:

Names.	Shafter.	Lewis.
Baker.....		1
Banks.....	1	
Bogart.....		1
Burnell.....	1	
Chamberlain.....	1	
Crane.....	1	
Denver.....		1
De Long.....	1	
Gallagher.....		1
Gaskill.....	1	
Harvey.....	1	
Harriman.....	1	
Hathaway.....	1	
Heacock.....	1	
Hill.....	1	
Holden.....		1
Irwin.....		1
Kimball.....	1	
Kutz.....	1	
Lewis.....	1	
Nixon.....	1	
Oulton.....	1	
Parks.....	1	
Pacheco.....	1	
Perkins.....	1	
Porter.....	1	
Powers.....	1	
Quint.....		1
Rhodes.....	1	
Shafter.....		1
Soule.....	1	
Shurtleff.....	1	

Names.	Shafter.	Lewis.
Van Dyke.....	1	
Vineyard.....		1
Williamson.....		1
Totals.....	25	10

Whole number of votes.....37

Necessary to a choice.....19

Mr. Doll voted for Mr. Parks.

Mr. Warmcastle voted for Mr. Irwin.

Mr. Shafter having received a majority of all the votes cast, was declared duly elected :

Who then came forward and made the following remarks :

#### SPEECH OF THE PRESIDENT PRO TEM.

SENATORS:—My election to this, the chief place in your immediate gift, second only to that of the Executive officer, who is the constitutional President of the Senate, especially when made by a vote, the spontaneity and universality of which is unprecedented in this body, I may well regard as a distinguished honor. I am left only the use of that often repeated, but sincerely uttered expression, I thank you, and beg you to accept the assurances of my profound and grateful acknowledgment.

We are here, one of those bodies composing a separate department of the Government. Standing nearest the source of power, it is our duty to collect and represent the enlightened judgment of the people, and to provide for their wants and necessities by the enactment of wise laws.

It is the result of all experience that nothing conduces so much to that result as a strict adherence to those settled forms of procedure which have been devised to that end. It has never been my fortune to witness a departure from those forms, upon the pretexes by which such departure is often invoked, without feeling that justice and purity had received a wound, and that another chain was thrown around the limbs of expedition. I invoke your co-operation in the attempt to adhere strictly to these rules.

I may not be able to justify your partiality, but of this be assured ; superadded to what of ability I may possess, shall be a vigilant, and if need be, laborious attention. The parliamentary history of our country presents, unfortunately, many instances where parliamentary law has been administered with anything but accuracy and justice, where the object of settled rules, as stated by the old Speaker Onslow, has been disappointed, and they have not been "a shelter and protection to the minority against the attempts of power." Permit me to say that from all concurrence on my part with any attempt thus to subvert the law, if any such is supposable, you will be exempt.

I cannot consent to confine myself to a mere expression of good intentions as to personal demeanor toward you, but to assure you that you will not observe any exhibitions of fretfulness and impatience, sometimes

occurring, which are so embarrassing to new members, so annoying to those of riper experience, and so offensive to all. But if unfortunately such errors should occur, it is your privilege and imperative duty to substitute your judgment for my error, and prevent the seeds of incorrect opinion from ripening into fruit. It is a reproach to legislative bodies that the case is not unfrequent that, suffering under palpable injustice, a man of spirit is obliged to eat his own heart with restrained rage, or suffer in silence his wrongs, when redress is hopeless and complaint is useless.

Let us see to it that no such reproach shall fall upon this body. When subsequent reflection shall have satisfied me that I have fallen into error, believe me, I shall regard your acquiescence in it as no friendly act, and it will but deepen my sense of my personal misfortune that you have permitted my fault to deprive any member of this body of a right, or to inflict upon him an undeserved pain.

It remains for me but to renew my expressions of gratitude to you for the honor of your choice, and to assume the discharge of the duties it imposes.

#### FOR SECRETARY.

Mr. Hathaway nominated Thomas Hill.

Mr. Irwin nominated H. R. Mighles.

Mr. Powers nominated A. A. De Long.

Nominations being closed, the roll was called, with the following result :

Names.	De Long.	Mighles.	Hill.
Baker.....		1	
Banks .....			1
Bogart.....		1	
Burnell.....			1
Chamberlain.....			1
Crane.....			1
Denver.....		1	
De Long.....			1
Doll.....		1	
Gallagher.....		1	
Gaskill .....			1
Harvey.....			1
Harriman.....			1
Hathaway.....			1
Heacock.....			1
Hill .....			1
Holden.....		1	
Irwin.....		1	
Kimball.....			1
Kutz.....			1
Lewis.....		1	
Nixon.....	1		
Oulton.....			1
Parks.....			1

Names.	De Long.	Mighles.	Hill.
Pacheco.....			1
Perkins.....			1
Porter.....			1
Powers.....	1		
Quint.....		1	
Rhodes.....			1
Shafter.....			1
Soule.....			1
Shurtleff.....		1	
Vandyke.....			1
Vineyard.....		1	
Warmcastle.....		1	
Williamson.....		1	
Totals.....	2	13	22

Whole number of votes cast.....37

Necessary to a choice.....19

Mr. Hill having received a majority of the votes cast, was declared duly elected.

FOR ASSISTANT SECRETARY.

Mr. Banks nominated Mr. A. A. De Long.

Nominations being closed, the roll was called, with the following result:

Names.	De Long.
Banks.....	1
Burnell.....	1
Chamberlain.....	1
Crane.....	1
De Long.....	1
Doll.....	1
Gaskill.....	1
Harvey.....	1
Harriman.....	1
Hathaway.....	1
Heacock.....	1
Hill.....	1
Kimball.....	1
Kutz.....	1
Nixon.....	1
Oulton.....	1
Parks.....	1
Pacheco.....	1
Perkins.....	1



Names.	De Long.
Porter.....	1
Powers.....	1
Rhodes.....	1
Shafter.....	1
Soule.....	1
Shurtleff.....	1
Van Dyke.....	1
Vineyard.....	1
Total .....	27

Mr. De Long having received all the votes cast, was declared duly elected.

#### FOR SERGEANT-AT-ARMS.

Mr. De Long nominated Archibald G. Turner.

Mr. Quint nominated J. F. Baker.

Mr. Nixon nominated H. G. Wetmore.

Nominations being closed, the roll was called, with the following result :

Names.	Turner.	Baker.	Wetmore.
Baker .....		1	
Banks .....	1		
Burnell .....	1		
Chamberlain .....	1		
Crane .....	1		
Denver .....	1		
De Long.....	1		
Doll .....	1		
Gallagher.....	1		
Gaskill.....	1		
Harvey .....	1		
Harriman.....	1		
Hathaway .....	1		
Heacock .....	1		
Hill .....	1		
Holden .....		1	
Irwin .....	1		
Kimball .....	1		
Kutz .....	1		
Lewis .....		1	
Nixon .....			1
Oulton .....	1		
Parks .....	1		
Pacheco .....	1		

Names.	Turner.	Baker.	Wetmore.
Perkins.....			1
Porter.....	1		
Powers.....			1
Quint .....		1	
Rhodes .....	1		
Shafter .....	1		
Soule .....	1		
Shurtleff .....	1		
Van Dyke.....	1		
Vineyard .....	1		
Warmcastle.....		1	
Williamson .....		1	
Totals.....	27	6	3

Mr. Turner having received a majority of all the votes cast, was declared duly elected.

#### FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Porter nominated Elias Howe.

Nominations being closed, the roll was called with the following result :

Names.	Howe.
Banks.....	1
Burnell .....	1
Chamberlain .....	1
Crane.....	1
De Long .....	1
Gallagher.....	1
Gaskill .....	1
Harvey.....	1
Harriman.....	1
Hathaway .....	1
Heacock .....	1
Hill.....	1
Kimball.....	1
Kutz.....	1
Lewis .....	1
Nixon .....	1
Oulton.....	1
Parks .....	1
Pacheco .....	1
Perkins .....	1
Porter .....	1
Powers.....	1
Quint .....	1

Names.	Howe.
Rhodes.....	1
Shafter.....	1
Soule.....	1
Shurtleff.....	1
Van Dyke.....	1
Total.....	28

Mr. Howe having received all the votes cast, was declared duly elected.

FOR MINUTE CLERK.

Mr. Soule nominated C. E. Abbot.

Nominations being closed, the roll was called, with the following result :

Names.	Abbot.
Banks.....	1
Burnell.....	1
Chamberlain.....	1
Crane.....	1
Denver.....	1
De Long.....	1
Gallagher.....	1
Gaskill.....	1
Harvey.....	1
Harriman.....	1
Hathaway.....	1
Heacock.....	1
Hill.....	1
Kimball.....	1
Kutz.....	1
Lewis.....	1
Nixon.....	1
Parks.....	1
Pacheco.....	1
Perkins.....	1
Porter.....	1
Quint.....	1
Rhodes.....	1
Shafter.....	1
Soule.....	1
Shurtleff.....	1
Van Dyke.....	1
Total.....	27

Mr. Abbot having received all the votes cast, was declared duly elected.

FOR JOURNAL CLERK.

Mr. Van Dyke nominated W. F. Heustis.

Nominations being closed, the roll was called, with the following result:

Names.	Heustis.
Banks.....	1
Burnell.....	1
Chamberlain.....	1
Crane.....	1
De Long.....	1
Doll.....	1
Gallagher.....	1
Gaskill.....	1
Harvey.....	1
Harriman.....	1
Hathaway.....	1
Heacock.....	1
Hill.....	1
Kimball.....	1
Kutz.....	1
Lewis.....	1
Nixon.....	1
Oulton.....	1
Parks.....	1
Pacheco.....	1
Porter.....	1
Quint.....	1
Rhodes.....	1
Shafter.....	1
Soule.....	1
Shurtleff.....	1
Van Dyke.....	1
Vineyard.....	1
Total.....	28

Mr. Heustis having received all the votes cast, was declared duly elected.

FOR ENROLLING CLERK.

Mr. Burnell nominated H. C. Kibbe.

There being no further nominations, the roll was called, with the following result:



Names.	Kibbe.
Banks .....	1
Burnell .....	1
Chamberlain .....	1
Crane .....	1
De Long .....	1
Doll .....	1
Gallagher .....	1
Gaskill .....	1
Harvey .....	1
Harriman .....	1
Hathaway .....	1
Heacock .....	1
Hill .....	1
Holden .....	1
Kimball .....	1
Kutz .....	1
Lewis .....	1
Nixon .....	1
Parks .....	1
Pacheco .....	1
Porter .....	1
Quint .....	1
Rhodes .....	1
Shafter .....	1
Shurtleff .....	1
Van Dyke .....	1
Vineyard .....	1
Total .....	27

Mr. Kibbe having received all the votes cast, was declared duly elected.

FOR ENGROSSING CLERK.

Mr. Hill nominated George A. Gillespie.

Mr. Crane nominated Thomas Moreland.

Nominations being closed, the roll was called, with the following result:

Names.	Gillespie.	Moreland.
Baker .....		1
Banks .....		1
Bogart .....	1	
Burnell .....	1	
Chamberlain .....	1	
Crane .....		1
Denver .....	1	

Names.	Gillespie.	Morelan-l.
De Long .....	1	
Doll .....	1	
Gallagher .....	1	
Gaskill .....	1	
Harvey .....	1	
Harriman .....		1
Hathaway .....		1
Heacock .....		1
Hill .....	1	
Holden .....	1	
Kimball .....		1
Kutz .....		1
Lewis .....	1	
Nixon .....		1
Oulton .....		1
Parks .....	1	
Pacheco .....	1	
Perkins .....		1
Porter .....		1
Powers .....		1
Quint .....	1	
Rhodes .....		1
Shafter .....		1
Soule .....		1
Shurtleff .....	1	
Vineyard .....		1
Warmcastle .....	1	
Williamson .....	1	
Totals .....	19	17

Mr. Gillespie having received a majority of all the votes cast, was declared duly elected.

#### FOR COPYING CLERKS.

Mr. Perkins nominated George C. Harriman, who was declared elected by the following vote:

Names.	Harriman.
Banks .....	1
Burnell .....	1
Chamberlain .....	1
Crane .....	1
De Long .....	1
Gaskill .....	1
Harvey .....	1

Names.	Harriman.
Harriman.....	1
Hathaway.....	1
Kimball.....	1
Kutz.....	1
Nixon.....	1
Oulton.....	1
Parks.....	1
Perkins.....	1
Porter.....	1
Powers.....	1
Rhodes.....	1
Shafter.....	1
Soule.....	1
Shurtleff.....	1
Van Dyke.....	1
Total.....	22

Mr. Harvey nominated C. D. Bonestel.

Nominations being closed, the roll was called, with the following result :

Names.	Bonestel.
Burnell.....	1
Chamberlain.....	1
Crane.....	1
De Long.....	1
Doll.....	1
Gallagher.....	1
Gaskill.....	1
Harvey.....	1
Hathaway.....	1
Kimball.....	1
Kutz.....	1
Lewis.....	1
Nixon.....	1
Oulton.....	1
Parks.....	1
Porter.....	1
Rhodes.....	1
Shafter.....	1
Soule.....	1
Shurtleff.....	1
Van Dyke.....	1
Total.....	21

On motion of Mr. Irwin, the officers elect came forward and took the oath of office.

Mr. Irwin offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be directed to furnish each member of the Senate with five daily papers published in this State, or their equivalent in weeklies.

Adopted.

Mr. Heacock offered the following resolution :

*Resolved*, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized by the election of the following permanent officers, and is ready to proceed with legislative business :

President pro tem.....	J. McM. Shafter.
Secretary.....	Thomas Hill.
Assistant Secretary.....	A. A. De Long.
Sergeant-at-Arms.....	Archibald G. Turner.
Assistant Sergeant-at-Arms.....	Elias Howe.
Minute Clerk.....	Charles E. Abbot.
Journal Clerk.....	W. F. Heustis.
Enrolling Clerk.....	H. C. Kibbe.
Engrossing Clerk.....	George A. Gillespie.
Copying Clerks.....	George C. Harriman, C. D. Bonestel.

Adopted.

Mr. Banks offered the following resolution :

*Resolved*, That the Senate now proceed to the election of a Chaplain.

Mr. Van Dyke moved to lay the resolution on the table.

Lost.

Mr. Rhodes moved to indefinitely postpone the resolution.

Upon which, Messrs. Baker, Parks, and Irwin, demanded the ayes and noes. Lost, by the following vote : ayes 14—noes 16 :

AYES—Messrs. Baker, Bogart, Denver, Gallagher, Holden, Irwin, Kutz, Merritt, Parks, Rhodes, Soule, Shurtleff, Warmcastle, and Williamson—14.

NOES—Messrs. Banks, Burnell, Chamberlain, Crane, De Long, Gaskill, Harvey, Harriman, Hathaway, Heacock, Pacheco, Perkins, Porter, Powers, Van Dyke, and Mr. President—16.

Mr. Hill moved to adjourn.

Lost.

Mr. Van Dyke moved the following as a substitute for the resolution of Mr. Banks :

*Resolved*, That the President be authorized and requested to invite the clergymen in Sacramento to open the Senate daily with prayer, and to arrange the order among themselves.

Adopted.



At forty minutes past twelve o'clock, on motion of Mr. Denver, the Senate adjourned until eleven o'clock, A. M., to-morrow.

J. McM. SHAFTER,

President pro tem.

Attest: THOMAS HILL, Secretary.

## IN SENATE.

SENATE CHAMBER,

Wednesday, January 8th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Prayer by Rev. J. A. Benton.

Roll called.

Quorum present.

Journal of yesterday read and approved, after being amended so as to include the remarks of the President pro tem.

The following resolution was introduced by Mr. De Long:

*Resolved*, That the thanks of this body be and they are hereby extended to the Hon. Pablo De la Guerra, for the impartial and dignified manner which has uniformly characterized him in the performance of the duties as President of the Senate.

Adopted unanimously.

Mr. Merritt introduced a concurrent resolution relative to a Joint Convention for counting the vote for Governor and Lieutenant-Governor.

Adopted.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

January 7th, 1862. }

Mr. PRESIDENT:—The Assembly was this day organized by the election of the following officers:

Speaker.....	George Barstow.
Clerk .....	John Sedgwick.
Assistant Clerk.....	W. N. Slocum.
Minute Clerk.....	William G. Wood.
Journal Clerk.....	H. S. Fellows.
Enrolling Clerk.....	Shelden Allen.
Engrossing Clerk.....	Geo. A. Hill.
Copying Clerks.....	Geo. C. Hough, C. B. Jennings.
Sergeant-at-Arms .....	H. J. Clayton.
Assistant Sergeant-at-Arms.....	Jeremiah Watts.

And are ready to proceed with the regular business of the session.

J. M. ANDERSON,

Clerk.

ASSEMBLY CHAMBER,  
January 7th, 1862. }

MR. PRESIDENT:—The Assembly this day adopted Assembly concurrent resolution No. 1, relative to the appointment of a committee to wait on the Governor and inform him that the Legislature had been organized, and was ready to receive any communication he may be pleased to make, and appointed Messrs. Tilton, Bell, and Benton, a committee on the part of the House, to which Mr. Shannon was added; and ask the appointment of a like committee on the part of the Senate.

J. M. ANDERSON,  
Clerk.

The concurrent resolution above reported was concurred in, and Messrs. Merritt, Heacock, and Warmcastle, appointed a committee in accordance therewith.

The following resolution was introduced by Mr. Denver:

*Resolved.* By the Senate, the Assembly concurring, that Michael Martin be appointed Fireman for basement furnace of State House, at the same per diem as Porters of Senate and Assembly, to be paid one half out of the Contingent Fund of the Senate and one half out of the Contingent Fund of the Assembly.

Mr. Heacock moved to strike out the name of Michael Martin and insert Louis Callish.

On a division of the motion the name of Michael Martin was stricken out.

The motion to insert Louis Callish was lost.

On motion of Mr. Perkins, the name of Horace Lovely was inserted, and the resolution adopted.

A communication was received from the Treasury Department—which was referred to the Committee on Public Expenditures and Accounts.

#### NOTICES OF BILLS.

Mr. Perkins gave notice that he would introduce a bill for an Act entitled an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty. [Repeals the fourteenth section;]

Also, bill for an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. [Repeals subdivision of section three hundred and ninety-four of said Act, which excludes certain persons from testifying in certain cases;]

Also, bill for an Act to amend an Act concerning officers, passed April twenty-eighth, eighteen hundred and fifty-one. [Amends the twenty-third section.]

Mr. Van Dyke gave notice that he would introduce a bill for an Act defining the boundaries of Humboldt County;

Also, an Act to amend an Act entitled an Act concerning roads and highways in the Counties of Humboldt, Napa and Siskiyou, approved April twenty-second, eighteen hundred and sixty;

Also, concurrent resolution in regard to mail service on the northern coast of this State.

## RESOLUTIONS.

Mr. Parks offered the following resolution :

*Resolved*, That a committee of five be appointed to draft a set of Standing Rules for the Senate. Also, to confer with a committee to be appointed by the House, for the purpose of drafting a set of Joint Rules for both Houses.

Adopted.

The following gentlemen were appointed as such committee: Messrs. Parks, Crane, Banks, De Long, and Irwin.

Mr. Irwin offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be authorized to make arrangements with the postmaster and express agents, for the transportation of letters and papers until further provided by law.

Adopted.

Mr. De Long offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be allowed a clerk, with the per diem of six dollars.

Adopted.

## REPORT.

Mr. Merritt made the following report :

MR. PRESIDENT:—Your special committee appointed to wait upon the Governor and inform him of the organization of the Legislature, have performed the duty assigned them and report, that his Excellency will forthwith communicate with both Houses by a special message, in writing, by the hand of his Private Secretary, S. C. Granger, Esq., and that on to-morrow, at twelve o'clock, he will send in his annual message.

MERRITT,  
HEACOCK,

Senate Committee.

TILTON of San Francisco,  
T. B. SHANNON,  
S. B. BELL,

Assembly Committee.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 8th, 1862. }

*To the Honorable the Senate of California :*

The Hons. C. Burbank and H. I. Thornton, members of your honorable body at its last session, desirous of resigning their offices, forwarded to me their letters of resignation, which were received immediately after their date, copies of which are herewith transmitted.

As this occurred prior to the late general election, and to avoid the trouble of calling special elections to fill the vacancies that would necessarily occur when their resignations were accepted by the proper authority, I thought it best for the public interests to consider them as resignations *de facto*, and ordered elections to fill the vacancies, knowing that if any irregularity thereby occurred creating any individual hardship, it would be corrected by the Senate.

JOHN G. DOWNEY,  
Governor of California.

SAN FRANCISCO, 30th July, 1861.

*Hon. Don Pablo De la Guerra, President of the Senate of the State of California:*

DEAR SIR:—I hereby resign my seat in the Senate, and you will please accept this my resignation, and make it known to the Governor.

Very respectfully, your obedient servant,  
C. BURBANK.

DOWNIEVILLE, June 19th, 1861.

*To the Hon. John G. Downey, Governor of the State of California:*

DEAR SIR:—I transmit to you this my resignation of my office of State Senator, representing the Twentieth Senatorial District of the State of California, composed of the County of Sierra—the resignation to take immediate effect.

Very respectfully, your obedient servant,  
HARRY I. THORNTON, JR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 8th, 1862.

*To the Honorable the Senate of California:*

In accordance with section four of an Act in relation to the militia of the State, approved May ninth, eighteen hundred and sixty-one, I herewith transmit to your honorable body a list of general officers commissioned by me, under said Act, and respectfully ask their confirmation.

JOHN G. DOWNEY,  
Governor.

LIST OF GENERAL OFFICERS COMMISSIONED SINCE MAY 9, 1861.

MAJOR GENERALS.

Name.	Division.	Date of Commission
Jose M. Covarrubias.....	First.....	December 27, 1861
Henry A. Cobb.....	Second.....	September 23, 1861
John A. Sutter.....	Fifth.....	September 20, 1861



## BRIGADIER GENERALS.

Name.	Brigade.	Division.	Date of Commission
Samuel J. Hensley .....	First.....	Second .....	November 23...1861
Charles Deane.....	Second .....	Second .....	September 23...1861
H. O. Mathews .....	First.....	Third .....	December 4....1861
James L. English .....	First.....	Fourth .....	November 29...1861
A. B. Dibble.....	Second .....	Fourth .....	October 9.....1861
H. W. Theall.....	First.....	Fifth .....	January 4.....1862
John B. Frisbie.....	Second .....	Fifth .....	November 14...1861
Lewis De Shields.....	First.....	Sixth .....	September 26...1861
James T. Ryan.....	Second .....	Sixth .....	July 5.....1861
Romaldo Pacheco.....	Second .....	First .....	January 7.....1861

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, January 8th, 1862.

*To the Senate of California :*

I have the honor to transmit for your consideration the correspondence between the Hon. William H. Seward, Secretary of State, and myself, on the subject of our coast defences, and request that it will receive such attention as the importance of this subject demands.

Your honorable body will cause copies to be placed in the possession of the Assembly, that early action may be had on the same by that branch of the Legislature.

JOHN G. DOWNEY,  
 Governor.

DEPARTMENT OF STATE, }  
 Washington, October 14th, 1861. }

*To His Excellency, John G. Downey, Governor of the State of California :*

SIR :—The present insurrection had not even revealed itself in arms, when disloyal citizens hastened to foreign countries to invoke their intervention for the overthrow of the Government and the destruction of the Federal Union. These agents are known to have made their appeals to some of the more important States without success. It is not likely, however, that they will remain content with such refusals. Indeed, it is understood that they are industriously endeavoring to accomplish their disloyal purposes by degrees and by indirection. Taking advantage of the embarrassments of agriculture, manufactures and commerce, in foreign countries, resulting from the insurrection they have inaugurated at home, they seek to involve our common country in controversies with States with which every public interest, and every interest of mankind, require that it shall remain in relations of peace, amity and friendship.

I am able to state, for your gratification, that the prospect of any such disturbance is now less serious than it has been at any previous period during the course of the insurrection. It is, nevertheless, necessary now, as it has hitherto been, to take every precaution that is possible to avert the evils of foreign war, to be superinduced upon those of civil commotion, which we are endeavoring to cure. One of the most obvious of such precautions is, that our ports and harbors on the seas and lakes should be in a condition of complete defence; for any nation may be said to voluntarily incur danger in tempestuous seasons when it fails to show

that it has sheltered itself on every side from which the storm might possibly come.

The measures which the Executive can adopt in this emergency are such only as Congress has sanctioned, and for which it has provided. The President is putting forth the most diligent efforts to execute these measures, and we have the great satisfaction of seeing that these efforts, seconded by the favor, aid, and support of a loyal, patriotic, and self-sacrificing people, are rapidly bringing the military and naval forces of the United States into the highest state of efficiency. But Congress was chiefly absorbed, during its recent extra session, with those measures, and did not provide as amply as could be wished, for the protection of our sea and lake coasts. In previous wars, loyal States have applied themselves, by independent and separate activity, to support and aid the Federal Government in its arduous responsibilities. The same disposition has been manifested in a degree eminently honorable, by all the loyal States during the present insurrection. In view of this fact, and relying upon the increase and continuance of the same disposition on the part of the loyal States, the President has directed me to invite your consideration to the subject of the importance of perfecting the defences of the State over which you preside, and to ask you to submit the subject to the consideration of the Legislature when it shall have assembled. Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal Government. Being thus made, with the concurrence of the Government, for general defence, there is every reason to believe that Congress would sanction what the State should do, and would provide for its reimbursement. Should these suggestions be accepted, the President will direct proper agents of the Federal Government to confer with you, and to superintend, direct, and conduct the prosecution of the system of defence of your State.

I have the honor to be, Sir,

Your obedient servant,

WILLIAM H. SEWARD.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
Sacramento, November 12th, 1861. }

*Hon. William H. Seward, Secretary of State, Washington City:*

SIR:—I have the honor to acknowledge the receipt of your communication of the fourteenth ultimo, inviting my attention to the subject of perfecting the defences of this State, and requesting me to submit the subject to the consideration of the Legislature when it shall be assembled.

The request shall be faithfully complied with; and the subject will undoubtedly command, to the extent its magnitude requires, the attention of the next Legislature, which convenes on the first Monday of January, eighteen hundred and sixty-two.

At this time our defences are wholly inadequate to the protection of the coast and interior of California.

The value of our Pacific interests to the Union will justify all the outlay necessary to render their seizure and appropriation by foreign powers impossible. For it is not dealing in hyperbole to affirm, that the present and prospective commercial value of our Pacific empire renders its security as important as one half of the Union. And I may add, that the topography of the country is such, that its safety can be secured beyond all contingencies against the attack of any military power that

can be brought against it, by a complete system of coast defences. The interior will require but little outlay to assure its protection.

I have the honor to be, with great respect,

Your obedient servant,

JOHN G. DOWNEY,

Governor of California.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 8th, 1862. }

*To the Honorable the Senate of California :*

I have the honor to transmit herewith the report of the Commissioner of the California War Debt, B. Nordheimer, Esq., appointed by me to fill the vacancy caused by the failure of Samuel B. Smith, Esq., to proceed to Washington, within the sixty days required by law, to perform the duties imposed on him as Commissioner, selected for this purpose by the Legislature. The necessity which led to this appointment will appear from the accompanying papers, to which your attention is directed.

Satisfactory information being received that the other Commissioner, Hon. J. W. Denver, had been commissioned a Brigadier-General in the service of the United States, and had accepted it, I appointed the Hon. James T. Ryan, of Humboldt County, to fill the vacancy thus created. Messrs. Nordheimer and Ryan have been recognized by the Department at Washington, and are now discharging the duties of the Commission, as defined by the Acts creating it. A large amount of the appropriation made by Congress to cover this War Debt is for cash expenditures by the State, and which, when audited, will revert to the State Treasury. The report of Mr. Nordheimer, and the despatch received from our Senator, Milton S. Latham, bearing date the seventh instant, a copy of which is herewith transmitted, will show that the "Third Auditor" of the Treasury has this matter in process of adjustment, and that the appropriation of Congress aforesaid will in a month or so be subject to the order of the bond-holders and the authorized agents of the State.

JOHN G. DOWNEY,

Governor of California.

OFFICE OF COMMISSIONERS OF CALIFORNIA WAR DEBT, }  
Washington City, December 6th, 1861. }

*To His Excellency, John G. Downey, Governor of the State of California :*

SIR:—According to an Act of the Legislature, approved May sixth, eighteen hundred and sixty-one, requiring the Commissioners of the California War Debt to make a full report of their proceedings to the Governor of the State, I, in the absence of General Denver, who has recently been called to duty upon the western frontier as Brigadier-General, report as follows :

I arrived here upon the fourteenth (14th) of August last, and ascertained that nothing had been effected toward the liquidation of the War Debt. I saw the Hon. M. S. Latham, Senator from California, who called, in company with Gen. Denver, upon the Secretary of War, Hon. Simon Cameron. He acknowledged the necessity of calling out the volunteers, and made his report accordingly. I filed my commission with the Third Auditor, Treasury Department, on the second of September, eighteen hundred and sixty-one, and was fully recognized. On the



twentieth of September, Gen. Denver turned over to Mr. A. J. F. Phelan (the Secretary of the War Debt Commission) for him to copy them and prepare such a statement as would enable the Treasurer of the State of California to make a settlement from. On the nineteenth of October, Mr. Phelan gave us notice that the papers were ready to be filed with the Third Auditor. On the third of November, the Secretary and myself filed the claims with the Auditor, State Department of the United States Government. I have called upon the Department and have urged for a speedy liquidation of the claims, and have used every endeavor to press the matter forward. The Auditor has informed me that he has four clerks employed upon the claims, and promises me there shall be no unnecessary delay.

With great respect, I am your humble servant,

B. NORDHEIMER,  
Commissioner California War Debt.

STATE OF CALIFORNIA,  
City and County of Sacramento. } ss.

J. F. Suydam, being duly sworn, according to law, deposes and says: That he is a clerk in the St. George Hotel, in the city of Sacramento, and was so on the eighth day of July, A. D. eighteen hundred and sixty-one, and that on the said eighth day of July, eighteen hundred and sixty-one, Samuel B. Smith, of Marysville, one of the War Bond Commissioners elected by the Legislature of the State of California at its last session, was a guest in said hotel, and further deponent saith not.

JNO. F. SUYDAM.

Sworn to and subscribed before me this tenth day of July, A. D. eighteen hundred and sixty-one.

GEO. E. MONTGOMERY,  
Notary Public, Sacramento County.

STATE OF CALIFORNIA,  
City and County of San Francisco. } ss.

Jacob Greenebaum, of the city and county and State aforesaid, being duly sworn by me, Notary, deposes and says, on oath, as follows: That some time in the month of June last past, Samuel B. Smith, one of the Indian War Bond Commissioners, duly appointed as such by the Legislature of the State of California, called upon deponent several times, and made inquiries from him as to the time at which Mr. B. Nordheimer, of Trinidad, Klamath County, State aforesaid, would be present in this city; on the occasion of one of said Smith's visits to deponent, he, deponent, inquired of him at what time he would leave California for Washington, on his official business as Commissioner aforesaid; his answer was, that he would not like to leave until he first would have seen Mr. Nordheimer, and then inquired of deponent at what time he expected him, Nordheimer, to arrive in San Francisco; deponent answered to that inquiry, that he expected Mr. Nordheimer's arrival here on board of the steamer Columbia, from the northern coast, which would then be due four or five days thereafter.

The Columbia arrived in due time at this port of San Francisco, but Mr. Nordheimer was not on board of her. Deponent says that Samuel



B. Smith again called upon him after the arrival here of said steamer, at which time he informed said Smith of the non-arrival of said Nordheimer; Smith then wished to know from deponent at what time he then expected Nordheimer would arrive here, to which inquiry deponent replied that, having been disappointed in his expectations, he could not say with any certainty at what time thereafter Mr. Nordheimer would arrive here. Upon this answer so given, Smith took deponent aside, at his place of business, and told him that the reason he wished to see Mr. Nordheimer was for the purpose of informing him that the amount appropriated by the Legislature of the State of California, for his compensation as Commissioner aforesaid, was not sufficient to enable him to work efficiently in the City of Washington for the settlement of those claims, and that although he was aware that Nordheimer would do what was right with him, Smith, yet he wanted or desired that he, Nordheimer, should see the other War Bond holders, or some of them, in order that they should subscribe a certain per centage, or sum, which by them would be allowed to him, said Smith, as extra compensation. Smith furthermore said that if this was not done, or, to use his own language, "if the thing was not greased," that he, Smith, would, after a few months stay in Washington, return here and report that the Commissioners had been unable to effect the settlement with the Government at Washington. Deponent further says that Smith stated to him that he had seen and spoken to Mr. Callahan about that subject, and that Callahan had stated that he would do what was right with him, Smith, but at all events, he, Callahan, would not do anything in the premises until he had seen Mr. Nordheimer. Further deponent saith not.

JACOB GREENEBAUM.

Subscribed and sworn to, this fifteenth day of July, A. D. eighteen hundred and sixty-one, before me,

SAMUEL HERMAN,  
Notary Public.

—  
WASHINGTON, January 7th, 1862.

*To Hon. J. G. Downey :*

Third Auditor settling Indian Debt slowly. Very little progress made.

MILTON S. LATHAM.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 8th, 1862. }

*To the Honorable the Senate of California :*

I transmit herewith to your honorable body the following claims, which have been approved by the Board of Examiners, viz :

Eugene Lies, translating laws into Spanish.....	8665 60
John G. Hatch et als., costs in the case of The People vs. Horace Smith.....	4,193 65
Wm. A. Cornwall, copying the Journals of the Senate for the use of the State Printer in 1855.....	838 80
	\$5,698 05

JOHN G. DOWNEY,  
President Board of Examiners.

CONSIDERATION OF MESSAGES FROM THE GOVERNOR.

The consideration of those relative to Executive appointments were made the special order for Tuesday, January fourteenth, at twelve o'clock, M.

The other messages were laid on the table temporarily.

The following message was also received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 8th, 1862.

*To the Honorable the Senate of the State of California :*

I have to inform your honorable body, that on the nineteenth day of August, eighteen hundred and sixty-one. I appointed and commissioned Thomas N. Cazneau Superintendent of Immigration for the port of San Francisco, in the place of Walter H. Harvey, deceased, and respectfully ask his confirmation.

JOHN G. DOWNEY,  
Governor.

Mr. De Long offered the following resolution :

*Resolved,* That the Senate do now adjourn until to-morrow at eleven o'clock, in commemoration of the battle of New Orleans, the last great blow struck by our ancestors in the establishment of a Government whose perpetuity we devoutly desire, and will lend all our energies of thought and action to maintain.

Adopted.

And at twenty minutes past twelve o'clock, the Senate adjourned until eleven o'clock to-morrow.

J. McM. SHAFTER,  
President pro. tem.

Attest : THOMAS HILL, Secretary.

## IN SENATE.

SENATE CHAMBER,  
Thursday, January 9th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Prayer by Rev. J. T. Peck.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## INTRODUCTION OF BILLS.

Mr. Rhodes, by leave, introduced a bill for an Act to appropriate money for postage and express purposes during the Thirteenth Session of the Legislature.

Bill read first and second times, considered in Committee of the Whole, rules suspended, considered engrossed, read third time, and passed.

## RESOLUTIONS.

Mr. Van Dyke introduced the following resolutions :

*Resolved*, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure a mail service by sea, in steamers, from San Francisco to Crescent City, Del Norte County, and back, twice a month, touching each way at Eureka, Humboldt County, and Trinidad, Klamath County.

*Resolved*, That His Excellency the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress at the earliest practicable period.

Adopted.

Mr. Shurtleff introduced the following resolutions :

WHEREAS, The existing postal facilities between the Atlantic and Pacific States prove inadequate to the public wants ; and

Whereas, Experience demonstrates, by frequent losses and constant delays in the overland mails, the impracticability of transporting the entire Pacific coast mail across the continent, as now provided ; therefore,

*Resolved*, By the Senate, the Assembly concurring, that our Senators and Representatives in Congress be requested to use their influence to induce the Federal Government to transfer from the overland route all postal matter other than letter mails to a steamship line by way of New York, Panama, and San Francisco.

*Resolved*, That the daily overland letter mail is a vital necessity of the age, and that its safety ought not to be endangered nor its usefulness impaired by the immense unwieldly bulk of other postal matter.

*Resolved*, That the Governor be requested to transmit to Congress a copy of the foregoing preamble and resolutions.

Laid on the table.

Mr. Heacock introduced concurrent resolution relative to the appointment of Louis Callish, as extra Porter, to be allowed the same per diem as that allowed Porters already appointed.

Adopted.

Mr. Rhodes introduced the following resolution :

*Resolved*, That the Sergeant-at-Arms be and is hereby authorized to receipt to the Controller of State for the warrants for the per diem and mileage of the Lieutenant-Governor and the members of the Senate, and the per diem of the officers of the Senate.

Adopted.

On motion of Mr. Rhodes, the vote on the resolution offered by Mr. Irwin, relative to the Sergeant-at-Arms making postal arrangements, was rescinded.

Mr. Harvey introduced the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be instructed to procure a suitable room, with the necessary furniture, for the Copying Clerks of the Senate.

Adopted.

Mr. Perkins gave notice of a bill for an Act to repeal an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty.

Mr. Harvey introduced the following resolution :

*Resolved*, That the Committee on Joint Rules be instructed to incorporate as one of its joint rules, that no account or claim whatever shall be allowed and paid out of the Contingent Fund of either House until the same shall have been referred and reported upon by the respective Committees on Contingent Expenses.

Referred to the Committee on Rules.

Mr. Denver introduced the following resolution :

*Resolved*, That a committee of three be appointed by the President to ascertain and report to the Senate the amount to which the Lieutenant-Governor and the members of the Senate are entitled by law for mileage.

Adopted.

The President appointed Messrs. Denver, Gallagher, and Gaskill, as such committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
January 8th, 1862. }

MR. PRESIDENT:—The Assembly this day concurred in the adoption of Senate concurrent resolution relative to Joint Convention for the purpose of canvassing election returns for Governor and Lieutenant-Governor.

JOHN SEDGWICK,  
Clerk.



Mr. Heacock introduced the following resolutions :

*Resolved*, That the Sergeant-at-Arms of the Senate be instructed to procure from the State Library the following named volumes :

Supreme Court Reports.....	4
Statutes of each year.....	4

*Resolved*, That the Sergeant-at-Arms keep the above named books in his office for the use of the members of the Senate.

Lost.

The Governor's Annual Message, with the accompanying documents, was received.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
SACRAMENTO, January 8th, 1862. }

*Gentlemen of the Senate and Assembly :*

In addressing myself to the interesting duty imposed on me by our organic law, of communicating to your honorable body the condition of the Commonwealth, there is forcibly impressed on my mind the reflection, that a most eventful year has been added to its history. And so far as our own State is concerned, the record of the past year is replete with the most gratifying evidences of prosperity and of social and material progress. Every department of the Government has been conducted in such a manner as cannot fail to give confidence and satisfaction to the people, who have temporarily confided to their public agents the important official trusts connected with its administration. The appropriations made by the Legislature have been faithfully disbursed, for the objects for which they were intended, and in strict conformity with the requirements of the law.

The interest of our public debt has been promptly paid as it fell due, and the principal has been reduced by the redemption of bonds out of moneys arising from the Sinking Fund provided by law for such object. And it is a matter of State pride, that while the securities of other States have been seriously affected by financial embarrassments occurring at the East, our own bonds have been redeemed at the State Treasurer's office at a small fraction below par. The accompanying report of the Treasurer will exhibit in detail the condition of the various funds composing the public treasury, and the amounts received and disbursed for the period of one year, terminating with the close of business on the 14th day of December, A. D. 1861; to which report, as it embodies evidence of the fidelity, ability and integrity of that faithful public servant, as well as information that each legislator should at once make himself familiar with, your careful attention is earnestly invoked.

#### FINANCE.

The balance of moneys remaining on hand in the treasury, and belonging to the different funds, at the close of business on the 15th day of December, A. D. 1860, was six hundred forty-three thousand three hundred

and thirty-eight dollars and twenty-nine cents. (\$643,338 29.) The amount of moneys received into the treasury to the credit of the different funds and from all sources during the year, from the 16th of December, A. D. 1860, to the 14th of December, 1861, inclusive, reached the sum of one million ninety-five thousand and twenty dollars and one cent, (\$1,095,020 01.) The total amount, therefore, on hand in the treasury on the 15th of December, A. D. 1860, and the amount received during the year subsequent aforesaid, made the sum of one million seven hundred thirty-eight thousand three hundred and fifty-eight dollars and thirty cents. (\$1,738,358 30.) The whole amount disbursed during the same period, in accordance with the appropriations directed by the Legislature, was one million two hundred and forty-eight thousand five hundred and seventy-three dollars and eighty-two cents. (\$1,248,573 82,) leaving a balance in the treasury of moneys belonging to the different funds, on the 14th of December, A. D. 1861, of four hundred eighty nine thousand seven hundred and eighty-five dollars and forty-eight cents. (\$489,784 48.) These disbursements during the year, of one million two hundred forty-eight thousand five hundred and seventy-three dollars and eighty-two cents, (\$1,248, 573 82,) might appear at first sight to represent the ordinary current expenses of carrying on the Government; and, if unexplained, might probably furnish grounds of alarm to the economist and tax-payer. But the following items of expenditures will explain the extraordinary character of these disbursements for the past year: Interest on State Debt under Act of 1857, \$267,680; bonds redeemed under said Act, \$96,379 37; bonds redeemed under State School Land Fund, \$16,570; erection of State Reform School, \$24,831 31; construction of State Capitol, \$42,268 19; canceling State Prison Contract, \$137,500; reclaiming Swamp Lands, \$21,657 06; support of Schools, \$81,713 62; Geological Survey, \$10,000; Special Extraordinary Appropriations paid to date, \$86,367 79; making a total of extraordinary expenditures of \$784,967 34, which, by deducting from the total expenditures of the year, (\$1,248,573 82,) leaves a balance of \$463,606 48, as the only sum legitimately chargeable to the ordinary expenses of carrying on the State Government.

Of this last amount, that is, the ordinary expenses of the Government, the enormous sum of two hundred thirty-seven thousand, nine hundred and fifty-eight dollars and fifty-nine cents (\$237,958 59) has been expended for mileage, per diem, and contingent expenses of the Legislature; to which may be added for printing, publishing, and translations ordered by that body, the sum of forty-three thousand six hundred and twelve dollars and fifty cents (\$43,612 50). This will show a total expenditure for the Legislative department of two hundred eighty-one thousand, five hundred and seventy dollars and nine cents, (281,570 09,) which is excessively disproportionate to the expenses created by the other departments of the Government, wholly unnecessary, and calls for the immediate remedial action of the present Legislature. In my last annual message, I urgently besought the Legislature to curtail this expenditure by a short session, by abolishing the mileage system, and substituting therefor the actual traveling expenses under proper vouchers, and by the reduction of the per diem pay of the members, clerks, and employes. The growing necessities of the State for all the institutions which civilization and humanity have alike combined in imposing upon the older members of the Confederacy, some of which have already been inaugurated in California, will necessarily create heavy expenditures, and thus render the strictest economy in every

department an absolute necessity. The care of the insane, of the deaf, dumb, and blind, and of the orphans of the State, as well as the need of the Reform School for youthful delinquents, demand increased appropriations. The continued annual appropriations for our State Capitol, and for the maintenance of the State Prison, and for the additional and extensive buildings required for the better accommodation and security of the prisoners, will imperatively demand to be increased, thus requiring great and constant outlays; while it is a fact that must serve as a basis of all future estimates, that our revenue is not, and for the present cannot be, augmented in proportion to the many increasing demands. The assessed value of real and personal property in the State, for the year 1861, is one hundred and forty-seven millions, eight hundred and eleven thousand, six hundred and seventeen dollars and sixteen cents, (\$147,811,617 16,) showing a decrease from that of the preceding year of three hundred eighty-one thousand, nine hundred and twenty-two dollars and eighty-six cents, (\$381,922 86.) This difference is mainly attributable to the depreciation in the marketable value of live stock. Although this diminution in assessable property is trifling in itself, it serves to demonstrate that our resources are not in proportion to the increased demands upon the treasury; and that nothing but a rigid economy will prevent our relapsing into the old system of issuing Controller's warrants as evidences of indebtedness, to supply the deficiency caused by the excess of appropriations over the incoming revenue,—a result which will subject us to the mortification of seeing these warrants pass from the hands of the deserving creditors of the State, at great depreciation, into the iron safes of brokers and speculators.

The Controller's Report evinces great labor and careful research, reflecting much credit upon that officer; it exhibits in a clear and convenient form the resources of the State, and the various tributary branches that have supplied the accumulated revenue for the support of the Government; and it contains careful estimates of future receipts and expenditures. A thorough knowledge of the matters referred to in this document is indispensable to intelligent legislation; and it is, therefore, commended to your careful perusal, with the expectation that the subjects it undertakes to place before you in as clear a light as practicable, will receive a patient and thorough investigation.

The expenses of collecting the State revenue arising from the assessment upon property should be materially reduced: they should not exceed fifteen per centum of the whole amount collected. As it now stands, the average cost to assess, collect and place the revenue derived from this source in the vaults of the Treasury, does not fall short of twenty-five per cent., or fully one quarter of the full amount of property tax paid by the people for the support of their Government. By reducing the expenses of the collection of the revenue to as uniform a schedule of per centage allowance as possible, in the different counties, not exceeding in the aggregate fifteen per cent. of the whole amount collected, a radical and needful reform in this matter would be initiated, whereby a great saving to the people would be realized, as well as great advantage to the State. The importance of this subject of reducing the expenses of collecting the revenues of the State, and establishing a uniform allowance for its collection, is enhanced by the fact that a direct tax has been imposed by the Federal Government upon all the States composing the Union. At the extra session of the Thirty-seventh Congress, an Act was passed, approved on the 5th day of August, 1861, imposing a direct tax of twenty



millions of dollars upon real and personal property in the several States, for the purpose of providing increased revenue, &c., for the Government. Section 8 of said Act fixes the proportion of California at two hundred and fifty-four thousand five hundred and thirty-eight dollars and sixty-six and two-third cents. By the 53d section of the same Act, the privilege is extended to each State to collect and pay over through its own officers its quota of the above tax, as apportioned therein to the several States, granting a reduction of fifteen per centum of such quota for the expenses of such collection and payment into the National Treasury on the part of the State. Provisions should be made by the Legislature for the collection of this tax by and through the agency of our own officers; or its direct payment assumed and made in such a manner as to lighten the burden as much as possible, and prevent the confusion and conflicting elements that must for a while arise in the untried and complex system of Federal and State direct-taxation. Such action by the Legislature should be had prior to the eleventh day of February next, as on that day the President is by said Act required to appoint the Federal assessors and collectors for those States that fail to adopt measures for the collection of their respective quotas by their own agents.

There is still due and unpaid the sum of two hundred and eighteen thousand four hundred and sixty-eight dollars and fifty-four cents, on account of the Indian War Debt, incurred prior to 1854, and for which an appropriation was made by Congress of nine hundred twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents, (more than ample at the time to meet the whole War Debt.) This balance against the State on this account is mainly owing to the ruling of the Secretary of War, who refused to transfer the amount thus appropriated, declining to recognize the bonds as evidence of this debt, but requiring proof of the indebtedness by the production of the original accounts and vouchers, which in many instances had become quite impossible. Under this ruling of the Secretary, interest of two years was suffered to accumulate, and the result has been this unpaid balance, consisting of Interest or coupons the sum of \$172,868 54; Bonds remaining unpaid, \$38,100; Interest due in on the latter \$7,500: Total, \$218,468 54. These bonds mature in 1862. The faith of the State is pledged to thier payment; and if Congress will not assume this debt, as it properly should, the State ought to make provisions for its liquidation.

Section 53 of the Revenue Act of Congress, relating to the Internal or Income Tax, permits the States, Territories and District of Columbia to assume the assessment, collection, and payment of this tax in their own way and subject to their own revenue laws. As this revenue Act is complex, difficult of execution, and likely to give much embarrassment from the summary manner prescribed for the sale of property belonging to delinquents, it is to be hoped that the State will also make provisions for the collection of this tax, through our own revenue officers and under our own State laws; and that the Secretary be at once notified of our intention to perform this duty.

In the General Appropriation Act of each year there is a clause forbidding the Controller to draw his warrant for any money out of the appropriation made by the Act, until the money for the same is in the State Treasury. In all the special Acts this clause is omitted, and, indeed in terms the Controller is authorized and directed to draw his warrant for the amounts specified. In this manner the recipients of these special donations and extraordinary appropriations have become preferred creditors, much to the embarrassment of the finances of the State, and work-



ing great injustice to the officers charged with the duty of carrying on the various departments of government. Provisions should be made for a special salary fund which should remain inviolate for the purpose of paying those upon whose services depend the very existence of the Government. The same will apply to the maintenance of the State Prison, Insane Asylum, State Reform School, and to the construction of the State Capitol.

A custom has obtained in the Legislature that should never be allowed in future under any ordinary circumstances, that is, of exempting appropriations from the operations of the "Act for the better protection of the Treasury," creating a Board of Examiners and defining their powers and liabilities. The authors of this Act deserve the gratitude of the people. It was founded in wisdom and justice. And every appropriation should pass through the searching ordeal of their examination, except for salaries of officers defined and determined by law.

The Revenue Act of last session is an excellent one, and should not be altered save to make it apply alike to all the counties of the State, and to make the fees, that are allowed under its provisions, uniform. Under the operations of this law there will be a very small delinquent tax. The Poll-tax does not yield the amount justly to be expected from it; as now collected it works very unequally. As I recommended last year, if it cannot be enforced equally, it should be abolished. To meet the direct tax of the Federal Government, twenty cents upon each one hundred dollars value on real and personal property will have to be assessed, provided the State assumes it. If this as well as the income tax should be assumed and collected at the same time, in the same manner, and by the same officers, who discharge similar duties for the State, one hundred thousand dollars per annum can at least be saved; and the annoyance of two sets of revenue officers, at different periods of the year, be avoided.

#### STATE LIBRARY.

By the Act of last session of the Legislature, the management of the Library has passed into the hands of a Board of Trustees, who at their first meeting elected a Librarian, as contemplated by the statute. The affairs of the Library are in a flourishing condition, it now containing some 20,832 volumes, of which 1,074 have been added by purchase and five hundred and fifty-eight by exchange and donation during the past year. The revenue of the Library fund for the year, derived from fees of commissions, is about five thousand dollars, which, if it continue yearly to be as large, will constitute an ample fund to make it one of the best libraries in the United States. This latter item of the Library fund is for the purchase of books, and does not embrace the annual appropriations for rents, salaries of Librarian, porter, etc., which require about five thousand dollars per annum more. The Library fund has been quintupled within the last two years; and it is to be hoped that the system now inaugurated will be continued.

#### COMMON SCHOOLS.

The munificent appropriations made by Congress to this State in public lands for the purposes of Common Schools, have not only been in character with the uniform liberality of the General Government, and its ability to grant subsidies to the aid of the new States, but they have been in proportion to the importance of the object sought to be thereby

encouraged. It may be safely affirmed that a general system of education, whereby the children of the poor as well as the rich are afforded access to the portals of science and literature, is the most necessary of all the supports to the edifice of civil liberty. To say nothing of the philanthropy of the work of training the minds of the children of the State to the principles of virtue and the refining influences of intellectual culture, it has ever been conceded that republican institutions depend for their existence entirely upon the virtue and intelligence of the people. And certainly no other people have devoted so much to the education of their youth, as the people of the United States. It was unquestionably the intention of Congress to not only provide California with a large fund for the purposes of education, but that the fund should be made perpetual; and if this fund has not been kept intact, but has been diminishing yearly by the policy adopted by the State in the use of it, there has clearly been a departure from the intentions of the party making the donation. Congress donated to the State, by its Act of April 4th, 1841, which took effect in California June 1st, 1852, five hundred thousand acres of public lands to the purpose of Common Schools. Subsequently there was also donated to the State by the same source and for the same purposes, by the Act of March 3d, 1853, the magnificent grant of the sixteenth and thirty-sixth sections of all the public lands in the State, amounting to about six millions of acres—according to the accompanying report of the Surveyor-General. These grants of land had a prospective value at the time of several millions of dollars, to constitute a perpetual fund for Common School education.

In regard to the disposition of the proceeds of the sales of these lands, the policy of the State has heretofore been radically wrong. It will be seen by reference to the interesting report of the Surveyor-General, that there have already been sold by the State of the five hundred thousand acre grant, four hundred ninety-eight thousand nine hundred and fifty-seven 83-100 acres; and of the latter grant ninety-five thousand five hundred and fifty-eight 13-100 acres, not including applications on file in the office of the Surveyor-General. The moneys arising from the sales of these lands have been distributed yearly to the different schools, and there remained on hand at the close of the fiscal year ending June 30th, 1861, only the sum of seventeen thousand eight hundred and eighty-eight 5-100 dollars.

It was not supposed by Congress that this donation to the Common Schools of this State would be exhausted by the present generation; but as fast as money has been realized from the sale of a large portion of this vast estate, it has been expended upon the Schools of the present day. The policy is unjust to those who are to succeed us, as it deprives them of their patrimony. But although much of the School Estate has been wasted, it is not too late to arrest the progress of exhausting the fund. For this purpose the recommendation of the State Superintendent of Common Schools, contained in his last annual report to the Legislature, ought to be immediately adopted:

"That the present law be so amended as to convert the proceeds of the sale of the School sections into a General Fund, for the equal benefit of all the children of the State; the interest of this Fund to be apportioned semi-annually."

The fund itself should be reserved: it might be converted into State bonds bearing interest, by the purchase of those bonds, or it might be loaned out with proper securities and draw even a higher rate of interest than the bonds. And in justice to our posterity, the Legislature should

replace in the Treasury the full amount of this fund, that has already been improperly expended and not all upon Schools. The interest of the fund alone should be distributed annually to the Schools of the State; they should be supplied principally at present by direct taxation, which can be more properly relied on at this time, for the reason that there are few children in proportion to our present population, a large portion of our population have not taken up their permanent residence in the State, and another large portion are composed of aliens who can never become citizens. Let the present generation preserve sacredly in undiminished proportions, the munificent estate donated by Congress to the education of the youth of this State, and let it be guarded and preserved in perpetuity.

#### A SEMINARY OF LEARNING, OR UNIVERSITY.

Next in importance to the preceding subject is that of the establishment of a Seminary of Learning, or University, for which Congress has already donated seventy-two sections of land, and ten additional sections exclusively for a building. It is not to dispense in the least with any branch of science or of literature in the Common Schools that the establishment of a University is recommended; it should serve the Common Schools in the relation of a nursery; it should supply the teachers for our Common Schools, and especially should it offer the greatest advantages for the successful study of the liberal professions. In addition to the Departments of Law and Medicine, it should have Departments of Mineralogy, Agriculture, and general Mechanics. Such an institution is imperatively demanded for giving a collegiate education to our children at home; endowed, as it should be, with a good library, chemical and philosophical apparatus, and all other advantages that are possessed by the first colleges in the United States. The importance of affording a California education, and that of the highest order, to our children, cannot be over estimated. The objections to its establishment hitherto, arising from want of funds to commence the work, cannot now be urged, from the fact that the lands appropriated by Congress to the object have been nearly all sold, and the proceeds of such sale are now in the treasury, or in process of maturity for payment into the treasury. And, as this fund is the common heritage of every child in the State, especial care should be taken by the Legislature to guard the institution founded by it from every taint of sectarian bias, both in the character of its professors and the text-books used in conveying instructions to scholars.

#### THE STATE REFORM SCHOOL.

This institution was formally opened on the first Monday of December last, and is now in practical operation. The appropriations made for its erection have been faithfully applied to the object intended, and an excellent and creditable edifice has been constructed. The architect of the State Capitol building, Mr. Reuben Clark, by request of the Board of Examiners, visited this structure, and gives his opinion that, as a public or private edifice, it could not be more economically built. Provisions in the supplemental Act relating to this School are made for the removal to it of the boys that are in the Industrial School at San Francisco. The managers of the latter institution object to this removal, and assign their reasons therefor in an able paper addressed to the Board of



Supervisors of the city and county of San Francisco. And a special committee of the Trustees of the institution have made known their objections to me, giving their reasons in support of the same. I have devoted much consideration to the matter, and am convinced that the State at large, and the objects intended to be accomplished by the several Acts in relation to this subject, will be subserved by accepting the proposition made by the said Trustees.

They offer to take all the boys of the classes embraced in the spirit of the Act creating the State Reform School, relieving the State from all trouble and expense for their care, instruction, and subsistence, at, say, ten thousand dollars per annum. This sum will be much less than the School near Marysville will necessarily require to sustain it. Without any disposition to depreciate the present location of the State School, candor compels me to announce to you my opinion, that a position near San Francisco would offer advantages superior to any other in California for this kind of Schools of discipline and reform. The Industrial School of San Francisco is of easy access from all parts of the State, being central, and convenient also to the chief source whence the majority of boys of the classes destined for the Reform School will be yearly supplied. It is now visited weekly by philanthropic and intelligent citizens, who lecture, teach, and contribute in various ways to the happiness of the inmates. There is another desideratum, not to be overlooked in this connection, where boys are instructed and reformed, which is, the superior opportunities and advantages offered in San Francisco of procuring them proper and honorable employment,—a consideration which must not be ignored by the Legislature, and which ought to be regarded as one of the most important duties devolving upon the Trustees and managers of an institution of this nature.

Having repeatedly visited the building of the State Reform School, and being familiar with its location and the advantages of its position, I can recommend it as a proper and suitable edifice for the University heretofore introduced to your favorable notice, in the next preceding portion of this paper.

#### CHARITABLE INSTITUTIONS.

The special appropriations made for the different Orphan Asylums and the Deaf, Dumb and Blind Asylum, have been paid. I have no doubt but that they have been well and faithfully expended. The law of last year requires them to report directly to the Legislature the mode and manner in which their respective sums have been disbursed. There are no appropriations made by the Legislature that are better applied, or that yield, in proportion to the allowance donated, so great an amount of good. I earnestly recommend that the orphans may not be forgotten, and that all the Asylums within the State may be treated alike, and in exact proportion to the number of the fatherless, who are provided in those charitable retreats, with food, raiment and education.

#### INSANE ASYLUM.

Herewith I transmit the Ninth Annual Report of the Trustees of this Institution, accompanied with elaborate remarks and suggestions of the Resident Physician. The report of the Trustees simply gives a statement in gross of the receipts and disbursements during the year ending on the 30th day of November, 1861, showing the fact that there is, this



year, as well as the last, a balance on hand of the appropriation made at the last session of the Legislature. It will be seen by the amount required to sustain this Institution, to wit: ninety-two thousand dollars, annually, that it has become an onerous tax upon the State. All articles of necessity for the maintenance of this Institution are as cheap, if not cheaper, than in any other State of the Union; and why four hundred inmates should cost the State a sum approximating one hundred thousand dollars annually is beyond my comprehension. The Trustees report having received for board of patients only the insignificant sum of about five hundred dollars. There is something radically wrong in the commitments, otherwise the conclusion must be entertained that none having property ever become insane. That there are patients there who have property and should be compelled to pay liberally for their care and maintenance is beyond question. In many of the other States the income derived from paying patients alone, nearly defrays the expenses of the indigent of their Insane Asylum.

The salary of the Resident Physician, five thousand dollars per annum, with mansion, subsistence, lights and fuel, is out of all proportion with our present resources and the salaries paid to other officers of the Government. If the Physician reside at the Institution, as is proper he should, from his salary he ought to be required to supply his own household, and have nothing whatever to do with the common stores or pecuniary management of the Asylum. There should be a Steward, or Warden, of character to attend to this, who should render his accounts monthly to a Board of Directors. His vouchers under oath should be sent monthly to the Board of Examiners, and if they were not just, and proper, and in accordance with well established prices, the monthly payment from the Treasury could be ordered suspended by the Board. I suggest this not alone for the Asylum, but for every institution of the State depending upon public appropriations. This is the established usage of the General Government, and there never is more than one payment of an appropriation made, until the former is properly accounted for. I would advise that the Governor, Controller, and Treasurer be appointed a Board of Directors for this Institution; and that the law of commitment be such that it may not become a retreat for the indigent and harmless of such a class, as should remain a charge upon their friends at home, and that those who are able to pay should be made to do so liberally. It is mortifying to learn from the remarks of the Resident Physician that, notwithstanding the vast appropriations heretofore made for the establishment of the Insane Asylum, and the high hopes entertained of it by the good and the philanthropic, he finds it now "a miserable failure."

#### STATE PRISON.

This institution, which has been a fruitful source of trouble and expense to the State and to those having control and management of it, has been conducted the past year upon a system of rigid economy, and upon the principles of humanity and kindness, so far as good discipline and the means at the disposal of the Directors would admit. The prisoners have been well provided with wholesome food and comfortable raiment. And considering that many, of necessity, had to be employed in out-door labor for the manufacture of bricks, the number of escapes—twenty-four in all during the year—has been comparatively small. The Directors asked last year for a small appropriation for the construction

of additional buildings, which the Legislature failed to make. The disappointment caused by the failure of this appropriation imposed upon the Directors the necessity of making improvements out of the limited appropriation made last year for the maintenance of the Prison. This, with the fact that there was no money in the fund, subject to the order of the Warden, compelled him to make purchases for the institution at a great disadvantage.

The Directors have made valuable improvements in workshops, preparatory to setting the convicts to work at profitable employments. But all the expenses for improvements and maintenance of the prisoners for the year are confined within the appropriation made for the support alone of the Prison. The system of hiring out the convicts for the manufacturing of such articles as are not produced in the State, being imported principally from the Atlantic States and Europe, cannot interfere with our own mechanics, and will no doubt, when fairly established and tested, make the Prison a self-sustaining institution. Up to the present time, the Directors have only been preparing the way to put this system into operation. All the contracts of hiring have been made subject to any future action of the Legislature; so that if it should be decided that this system will not be productive of benefit to the State or prisoners, they can be terminated without any violation of their conditions. That there has been a marked improvement in the management of the affairs of the Prison for the last two years, and that the expenses to the State for its maintenance have been vastly diminished, are facts which must be gratifying to you; while they encourage the belief that the Directors will make for the next two years still greater improvements, as they will have the benefit of past experience, as well as of a vast amount of labor done for the better accommodation of the prisoners. An appropriation for the construction of two additional buildings for cells is again urged. It is positively a violation of the dictates of humanity to crowd together so many prisoners in small spaces, besides being detrimental to proper discipline. The Directors are required by law to report, on the 15th of February next, the condition of the Prison in detail, which duty they will fulfill in due time.

#### GEOLOGICAL SURVEY.

The State Geologist presents a brief synopsis of the progress of this interesting work, which in the absence of a more elaborate report in the course of completion, I lay before you. Some thirteen months have now elapsed since this officer first entered upon his official duties. There have been two appropriations made for this object, one of twenty thousand and the other of fifteen thousand dollars. Of these appropriations there have been expended up to the 31st of December, 1861, the sum of twenty-seven thousand seven hundred and fourteen dollars and twenty-five cents. The estimate for the maintenance and continuance of this survey for the ensuing year, accompanying this synopsis, calls for thirty thousand dollars. It remains for you to determine whether the State can afford to continue the survey upon such a scale of expenditure or not. It appears from the synopsis presented, that the State Geologist has collected a large amount of valuable specimens, which are of importance to the State, and, should the University recommended be established, they would constitute an interesting museum, and form a valuable adjunct to the lecture room in the department of Natural Science, Mineralogy and Chemistry.

## PARDONS.

This prerogative, conferred upon the Executive of the State, has been exercised to a limited extent; and I have the pleasure of stating that the subsequent conduct of those who have been the recipients of Executive clemency has, in every instance for the last two years, proved them to have been deserving of the interposition in their behalf. None who have been pardoned out of the State Prison have been returned, giving satisfactory evidence of their reform, and vindicating the wisdom of a wholesome exercise of this power. In the disposal of applications for pardon, I have been governed in most instances by the recommendations of the Judges who tried the cases, and the District Attorneys who prosecuted them; knowing that, as sworn officers of the law, they would not be likely to recommend clemency unless it were really deserved. A list of the pardons granted, embodying the reasons therefor, accompanies this message, in accordance with the requirement of the statute.

## THE ATTORNEY GENERAL'S REPORT.

The fourth annual report of the Attorney-General is herewith transmitted. This paper is entitled to a careful examination, embodying as it does many valuable suggestions,—the result of four years' experience of the law officer of the State, who has well and faithfully discharged his official duties. The codification of the laws suggested by him, and heretofore recommended by me, in my last message, is again urged upon your attention. It is also recommended by this officer, and concurred in by myself, that the annual messages and accompanying reports, be at once referred to appropriate committees with instructions to report on the various subjects contained in them, within ten days from the day of their reference. In this manner early action can be had upon them; and thus the Legislature will be enabled to avail itself of the experience of the officers of the Government, whose duty it is made to witness the workings of any particular enactments in our system of laws, and whose practical experience derived in the exercise of their official duties, connected with the administration of public affairs, qualifies them to suggest defects in the laws in force, or the want of wholesome laws not yet enacted. The subject of the Supreme Court Reporter, to which allusion is made in the report of the Attorney-General, was referred to by me in my last message. His suggestions in this regard are important and should be at once adopted. The expenses of the Supreme Court reports for the past year reach the sum of *twenty thousand* dollars, while the Reporter retains the benefit of the entire control and property in the copyright. The Reporter's salary should not exceed two thousand and four hundred dollars per annum, the State reserving the ownership of the copyright to the reports published or edited by him, for the use and benefit of the State Library; the State Librarian being charged with the sale of all copies of the reports not required for the use of the State. It will be seen that the present plan of publishing the reports is extravagantly costly, and the amount of expenses it occasions the State would be sufficient, in some of the other States, to defray all the burdens of their annual legislation.



## THE SURVEYOR-GENERAL'S REPORT.

The report of the Surveyor-General herewith transmitted contains valuable statistical and other information relating to the State Land Office. It will prove interesting to the Legislature to know that our public lands are being rapidly disposed of annually, adding to the taxable property of the State, and providing our people with homesteads, thereby increasing securities for the protection of the life, property and quiet of the citizens, and stability to the laws and institutions of the country. Your attention is called to the restrictions contained in the law providing for the sale and disposition of the swamp and overflowed lands, limiting frontage on navigable waters to one mile. Both in the Surveyor-General's report and my annual message of last year, modifications of the law in regard to the frontage were recommended. The utility of these modifications is so apparent, upon examination of the matter, that I am induced to urge again the request that the defect in the law be remedied at once, by allowing the frontage to be extended where it becomes a convenience to the State and the purchaser thus to extend it. Of course this change should not be made applicable to lands fronting on large bodies of navigable waters, as the Sacramento and San Joaquin rivers or bays, harbors and lakes, but it is desired that the modifications be applied to the innumerable sloughs that intersect the swamp and overflowed lands, where they are, as is often the case, found to be navigable.

The law for the reclamation of these lands was passed at the last session, and although it has now been in operation for some time, yet up to this date there has not been an acre redeemed. The civil engineers, appointed by the Commissioners of the Swamp and Overflowed Lands, have not been able to report a single district, where the parties having purchased and owning some of these lands, have been willing to make up a sufficient sum of money, which, together with the price paid to the State for the lands, would be adequate to redeem them. There have already been expended thirty odd thousand dollars of the fund derived from the sale of these lands, under the direction of the Commissioners, for the purpose of reclamation. But I am yet unable to determine any practical benefit resulting from the expenditure of the money. The reclamation of these lands is eminently a *practical work*, nor does it appear to me how any abstract question of science can be involved in the matter. The farmers residing upon these lands know precisely the height and character of the ditch and embankment required for their perfect protection from overflow. If this fund is suffered to be frittered away in salaries of Commissioners, Civil Engineers, and an army of Axe-men, Rod-men, Chain-bearers, and Draughtsmen, there will be nothing left for the performance of the only real object involved, that is, *practical labor*.

Another important question presenting itself in this connection, is this: According to the report of the Surveyor General the choicest and very best of these lands have already been sold. The parties purchasing paid a dollar per acre for them, and got for their money a full and fair consideration. Now, if the fund thus derived is to be expended in the reclamation of these choicest lands, *where will the means come from to redeem those lands of the State that are of difficult reclamation?* My view of the matter is this, and I believe it was the intention of Congress in making the donation, that the fund derived from the sale of the best of these lands should be applied to the redemption of those lands that are of diffi-



cult reclamation. When ten thousand or a hundred thousand acres were reclaimed, the land should sell, instead of for one dollar, at ten dollars per acre. The proceeds of these sales should again be applied to reclaim other lands, until the whole were redeemed, thus greatly benefiting the inhabitants and enriching the State. I am thoroughly convinced that the present policy, if it be deserving the name, is opposed to the interests of the State, and, believing thus, I have deemed it my duty to place the subject before you in this light.

The Boundary Commissioner appointed by the last Legislature on the part of the State, to act in conjunction with the Commissioner appointed on behalf of the United States, in running, marking, and defining that portion of the eastern boundary of this State not defined by fixed monuments of boundary, is required to report directly to the Legislature. Nothing of importance has been accomplished for the State in this connection, owing, doubtless, to the discontinuance of the work on the part of the United States Commissioner, which necessarily terminated the business of our Commissioner. By an Act supplemental to the one creating and appointing the Commissioner on the part of the State, the Governor was authorized to suspend and recall the Commissioner, upon having received satisfactory information of the suspension or termination of the Commission acting on behalf of the United States. This information having been obtained, Mr. Ferris Forman, the Commissioner of the State, was by me recalled, the work suspended, and he was ordered to sell, as by the law required, all of his outfit at public auction, except the scientific apparatus and instruments belonging to the expedition, which were returned for the subsequent use of the State, and are now in charge of the Surveyor-General.

#### AGRICULTURE.

The report of the State Agricultural Society will be presented to you in due time. This Society has done much towards stimulating a healthy and beneficial rivalry in all branches of this ennobling pursuit through all its varied interests in this State. I commend it to your care and bounty. Small appropriations to this and local societies of the same character throughout the State will be productive of much good. It would be well for the Legislature to offer premiums, or bounties, for the cultivation of flax, to which our soil in many sections of the State is admirably adapted; also, for the production of coffee, tea and sugar, which can be grown in other sections of California. Where the orange and the sugar-cane flourish so well, I can see no reason why coffee and tea cannot also be produced.

In obedience to your concurrent resolution of last session, I appointed three Commissioners to examine and report upon the cultivation of the grape-vine, and upon the capabilities of this State for the growth of this interesting product, to-wit: Messrs. J. J. Warner, of Los Angeles, A. Haraszthy, of Sonoma, and J. A. Ramirez, of Marysville—gentlemen of ability, who have devoted much time and reflection to this subject. Mr. Haraszthy has just returned from Europe, and brings back with him much valuable information, the result of his personal observations, both as to the mode of its culture, the varieties best suited to our soil, and, still as important, the mode and manner of making and preserving the wine. Mr. Ramirez, I believe, visits South America, and will give the result of his intelligent and practical observations in that country. No appropriation has yet been made to defray the expenses of this commis-

sion. I recommend that its efforts in behalf of this great interest, yearly becoming more valuable, may be rewarded in a manner becoming the subject and the dignity of the State. You will receive the report of this Commission in due time.

The necessities of all countries and communities suggest for them appropriate laws, and it should be the duty of the Legislature to frame statutes to meet the necessities incident to the natural and physical condition of the State, and to the wants and resources of the inhabitants, rather than to follow in their enactments the precedents or customs existing in the communities whence they emigrated to this country. Our system of local laws, suggested by the necessities arising in the different mining localities of the State, acquiesced in by the Legislature, and recognized by our Courts as binding and obligatory upon them in determining the rights of property, which have already entered into and compose a part of our peculiar judicature, is a proper illustration of the idea that different countries require different local laws, which are suggested by their natural and physical necessities.

The agricultural interest is second to no other in the State in importance, both as a means of wealth and of industry and good order in society. Already the exports of our cereals, after supplying our domestic wants, begin to awaken attention at home and abroad to this great resource of California wealth. This, like all other branches of industry, requires wholesome legislation, adapted to its natural necessities, to ensure its encouragement and protection. The farmer in California labors under one great difficulty: that is, in the procuring of proper and cheap materials for fencing in his lands. In many localities of the State it will require an expense threefold more to fence his lands and protect his crops against trespass from live stock, than the lands and crops will sell for. Thousands are prevented from cultivating grains and fruits by this cause alone. I can discover no hardship in compelling the stock-raiser to herd his stock and prevent their trespass, greater than that requiring the farmer to enclose his cultivated fields to secure the profits of his capital and labor. To compel the farmer to sustain a legal fence in this country, as now defined, is to prevent his cultivating his land or enjoying the use of his own property. The grazier should be required by law to herd his stock and keep them from trespass upon cultivated grounds. If this were the rule, it would ultimately result in his own benefit, as he would select a choicer variety of stock, would make provision for their care during the rainy season, and as a consequence would ask and receive more remunerative prices at their sale in the markets. According to the present practice of our loose husbandry, whereby stock are suffered to roam at large over our extensive plains, number and not quality has become the rule. They die by thousands every winter, and those that survive the ordeal of famine have little value beyond that of their hide and tallow. Besides the bad economy of the present system, there is a cruelty practised by the owner, that deserves to be punished by statute.

In accordance with the requirements of an Act providing for the permanent improvement of the stock grounds of the State Agricultural Society, the Board of Managers having charge of this duty submitted to me their plans, which were approved. The work has been substantially and creditably done, under the immediate supervision of the President, Jerome Davis. It reflects much credit upon that gentleman, and it will be satisfactory to you to learn that the appropriation to this object, provided for in the Act referred to, has been expended prudently and with rigid economy. The complaints made in their statement, herewith

transmitted, are not entitled to any peculiar consideration. They complain that they were compelled to pay interest to a considerable amount in having their warrants discounted. When they asked for this appropriation, they were aware, or presumed to be aware, of the condition of the treasury; besides, the language making all appropriations—and this case affords no exception—always is, “of any moneys in the treasury not otherwise appropriated”; and a portion of this appropriation was not made to take effect, until the month of November, in the year 1862. Notwithstanding these facts, they have taken upon themselves the *onus* of hypothecating the credit of the State,—a practice which should be discountenanced,—because the money could not be immediately realized from the donation, the necessities of the State being greater at the time than the wants of the Society.

#### OUR COMMERCIAL INTERESTS.

The wealth of a State consists not so much in the extent of its territory and number of population, as in the extent of its commerce. Rome in its palmyest days never contained the wealth and luxury that either Athens or Venice in the days of their prosperity possessed; yet the territorial acquisitions of the first were immense, and its commerce unimportant; while the territorial domain of the last two States was insignificant, their policy being devoted to the peaceful conquests of trade and commerce. The political influence and power of a nation may also be as effectually extended by enlarging the boundaries of her commerce, as by increasing her territorial jurisdiction. And when both these elements of power and aggrandizement are combined in the same nation, her political influence assumes at once such immense proportions, as to command the admiration and envy of the world. The safe and spacious harbors of California look forth upon a vast ocean, whose singularly tranquil waves are admirably adapted to waft the commercial wealth of the hundreds of millions of people industriously devoted to the production of utility, who dwell upon its numerous islands and along its Eastern and Western shores. The control and exclusive enjoyment of this commerce have never failed to enrich the maritime power so fortunate as to obtain it. Not one of the nations dwelling upon either shore of the Pacific, is possessed of a marine, or the enterprise and advantages that can create a navy, if we except our own State, which is a component part of a mighty people that possess both and all those necessary elements, which enter into the formation of commercial greatness. England and France, the only powers that could possibly dispute with us for the supremacy over the trade and commerce of the Pacific, are too far removed from it to compete with us for any great length of time in acquiring exclusive control. At the present time, however, notwithstanding the superior advantages possessed by the United States, since the acquisition of California, for extending the boundaries of their commercial conquests over the Pacific, the wealth of the Indies, of China and Japan, flows through the same channels, borne upon the same bottoms, where it has for nearly a century gone, enriching the merchant-princes of Great Britain with almost fabulous treasures. Nor have the United States surpassed either of those two other maritime powers in obtaining an ascendancy over the growing trade and commerce of the Hispano-American Republics upon the Pacific coast, not to mention the little progress we have there made in gaining that political influence to which the similarity of our institutions naturally entitles us.



Time sufficient has already elapsed since the extension of the frontiers of the United States to the Pacific, and enough wealth has been derived from the mines of California, to have enabled the General Government to put afloat upon the waters of the Pacific a large navy, both for the protection of our maritime and commercial interests, and for the peaceful conquest by a wise policy of the nations that from their natural position must sooner or later become commercial tributaries of California. Our sails ought now to cover the Pacific ocean. If we do not soon avail ourselves of the superior natural advantages we possess, to establish our commercial supremacy, on both shores of this ocean; the colonies planted by the prudent and enterprising foresight of England and France in the Orient, and the thoroughfare to that trade about to be shortened by the ship channel connecting the Mediterranean with the Red Sea, may snatch the trade of the East from us forever, except to such a limited extent as the grace of the masters of their position may allow us; leaving us alone the coasting trade of Mexico and the other States down to Chile. *But we can never hope to assume a supremacy as a commercial State, nor can the United States avail herself of her superior natural advantages, which would make her the greatest maritime nation on earth, until we have a railroad completed connecting the Atlantic and Pacific.*

The want of steam communication between this coast and the empires of Japan and China, Australia and the intermediate islands, has long been felt by our merchants. The encouragement of the General Government given to the establishment of a regular line of packets between San Francisco and China, by a liberal appropriation for carrying the mails, would at once give us equal commercial advantages in the East with other maritime nations. The expenditure necessary to put such a line of steamships into this trade involves too great an outlay for the individual enterprise and means of our merchants; but being once started by Governmental subsidy the best informed of our commercial men are of the opinion that such increased facilities of communication would stimulate trade to such a degree that the Government's aid would not long be required. The Chambers of Commerce of the cities of San Francisco and New York have already taken steps in this direction, having memorialized Congress upon the subject. The Chamber at San Francisco have shown by a careful and concise compilation of our imports and exports with those countries, how important this trade is becoming to California, and every year in an increased ratio. England does not stop to enquire into the expense of extending and protecting her commerce; and the wise and judicious subsidies given her mail lines, and the facilities afforded her merchants for safe transportation and exchange, have secured to her almost a monopoly of the commerce of the world. The silver and gold of Mexico, of Central and South America, that should naturally fall to us, flow in an almost uninterrupted stream to England, as a result of the wise policy indicated. The consideration of this subject is most especially urged upon your attention. You may by legislative action call the aid of our Representatives and Senators in Congress to the advocacy of these measures. The President in his message to the present Congress has urged the construction of railroads as a war measure; and if it were necessary in the instances indicated by him, it is eminently so for the protection and preservation of California to the Union. We are in a position to be wrested from the Nation by either of the great maritime powers referred to; and the exportation of our precious metals—the life-blood of the commerce of



the country—be taken possession of and diverted into the public treasury of a foreign enemy.

#### INDIAN HOSTILITIES.

The employment of State troops for the suppression of Indian hostilities has, with one exception, been avoided during my administration,—the officers in command of the United States forces on this coast having, when the same was practicable, rendered timely assistance when called for by me. In the month of August last, I received from the citizens of Humboldt county petitions, accompanied by proper and satisfactory affidavits, setting forth that the lives and property of the citizens were being sacrificed by hostile Indians. I applied repeatedly, in person and by letter, to Brig.-Gen. E. V. Sumner, then in command of the United States Army on this coast, and requested him to move forward troops into the disturbed districts. After some delay, he informed me that he had no men at his disposal for this purpose. This refusal involved the necessity of rendering State aid; and a company of mounted men was called out, and remained in service some ninety days, or until Brig.-Gen. Wright, who had succeeded to the command on the Pacific coast, gave me assurances that he would send into these districts a sufficient force to insure the protection of the inhabitants and their property.

The expedition, in accordance with the orders and instructions given, was conducted humanely, and met the objects for which it was called into service. A proper and praiseworthy economy has been pursued by the officers having charge of it, and an appropriation to meet the expenses incurred is recommended. Sixteen thousand dollars will cover the whole outlay for subsistence, pay of men, and horses, with transportation. This amount will, as it were, be only advanced to the General Government, as it will be promptly recognized; and when such claims are so recognized, they by law become proper offsets against our quota of the Federal tax to an equal amount.

#### COAST DEFENCES.

I received a communication from the Hon. the Secretary of State, bearing date August 14th, 1861, calling my attention to the Defences of our Sea-coast, and requesting me to lay the subject before the Legislature of the State at an early day. This communication and the answer thereto will be laid before you in a separate paper. The objects that induced the Secretary of State to take this precaution, and the necessities which then called for action on the part of the several States, do not now exist; as Congress is at this time in session and has already begun to take action in the matter.

The Defences of our Sea-coast are of vital importance, its extent being so considerable, the bays, harbors and inlets where an enemy could land being so numerous, that they require an outlay too vast for the resources of the State; and they belong to the class of public works of a national as well as a local character, clearly bringing them within the sphere of duty of the General Government to initiate and conclude their construction upon a scale commensurate with their importance and the national pride. Scientific officers of the Government are assigned the duty of supervision over this branch of the service, and under their exclusive management and control, our Coast-defences will be properly constructed, and accomplished with a degree of economy as well as utility, that could

not be expected if undertaken by the State, as she would have to intrust this work, in a measure, to inexperienced agents.

#### THE STATE CONTINGENT.

Two requisitions were made upon me by the Secretary of War for troops for the service of the General Government; the first bearing date of July 14th, 1861, for one regiment of Infantry and five companies of Cavalry, and the other dated July 24th, 1861, for four regiments of Infantry and one regiment of Cavalry. The Legislature having adjourned without placing any funds at the disposal of the Executive to meet such contingency, and the language of these requisitions urging all possible dispatch, I at once issued my Proclamation calling out the required force. In order to avoid, if possible, calling the Legislature together in extra session, and the extraordinary expense that would be thus incurred, and which would not be a proper or legitimate charge to the General Government, I applied to Brigadier-General E. V. Sumner, then in command of the Pacific Division, United States Army, to know if he had the means at his disposal to furnish and equip these troops. He promptly responded that he had at his disposal all the requirements for this purpose, and that he was prepared to meet the expenses attending the organization and equipment, and that upon better terms than could possibly be done by the State. Thus, the California Contingent has been raised and equipped, without the cost of a dollar to the State, and upon a scale of economy to the Federal Government that reflects credit and honor upon all those who under my call were connected with or had charge of this important duty. It entailed much labor upon this Department, for which it feels fully compensated by the character of the officers selected and the soldierly bearing and character of the men who compose the rank and file. The whole Contingent as organized is composed of our best citizens—men of character and means from all ranks and pursuits of life, and will achieve an honorable fame for our State and render good service to the Nation when called into active duty.

In organizing this force, commissions were conferred upon officers in the regular army of the United States, as Colonels, in order to give efficiency and discipline to our raw recruits. By an order from the War Department, I was notified that these officers could not be permitted to retain position in the volunteer service, as they were ordered to the scene of hostilities, to join their respective regiments. Two of these officers, Colonels Kellogg and Judah, rendered much aid in raising and organizing the Fourth and Fifth regiments of volunteers, at great expense and trouble to themselves, without being permitted to enjoy the honors or emoluments arising therefrom. The Cavalry regiment was raised before Colonel Smith arrived to take command, and he was not, therefore, subjected to any hardship in this respect. I appointed Colonel James H. Carleton to take command of the First Infantry and First Cavalry. He has rendered the State good and efficient service; he has been permitted by the President to retain his command of the volunteers, and has now charge of the troops of the State along our Southern frontier. I would recommend that appropriations be made to compensate the officers mentioned for the personal expenses necessarily incurred by them and the important services they have rendered the State—say two thousand five hundred dollars each.

A large amount of business has been entailed upon the Adjutant General,—in clerical labor and services attendant upon the extraordinary

duty connected with and occasioned by the raising of our Contingent; and I would recommend an appropriation of fifteen hundred dollars, as a just compensation therefor.

The Militia law of last year is found to work well, and meets the expectation of its advocates. It declares that all necessary expenses arising under its operation, shall be defrayed out of the general fund; but the Legislature failed to make any appropriation. It is hoped that a small appropriation will be made, to meet the inconsiderable amounts already audited, as well as the future contingent expenses for the year. Too much importance cannot be placed upon the organization of our Militia, in order that efficiency may be attained, and that a military spirit may be infused into our citizens. It cannot be expected that volunteers will drill and parade without arms. For these reasons, I recommended last year a military tax for rent of armories, and the purchase of arms. We should, therefore, have at least a hundred thousand stand of arms distributed among our Militia; instead of this there are not three thousand, and many of these are of antique style and character, of but little use for modern warfare.

#### FEDERAL RELATIONS.

The imminent danger, to which allusion was made in my former message, of a disruption of our Union, has been hurried on by a succession of events with fearful rapidity and painful reality. Our country, lately so happy in its unparalleled prosperity, so free in the enjoyment of its republican institutions, is in the midst of revolution. Violent men appear to have obtained, before the commencement of hostilities, an ascendancy over the public mind in both sections of the Union, and by an evil use of their power and influence, were able to hold in abeyance for the time being every conciliatory sentiment and every desire for a peaceful adjustment of all causes of irritation, and before the conservative elements of the nation could concentrate their influence to preserve the peace and fraternal relations of the people, eleven States passed ordinances of withdrawal from the Union, formed a separate league together, declared their independence, and prepared for the submission of the questions at issue to the arbitrament of arms. These questions, which have led to so unhappy a result, were neither in their nature nor importance such as could not by any means have been settled by an honorable and peaceful adjustment, for the very same questions regarding the right of the slave States to carry their peculiar species of property into the Territories and to have it protected by local laws, had been disposed of in the spirit of conciliation and harmony by the compromise measures of 1850, so far as the Territories that were then organized were concerned. But, unfortunately for the Republic, the extreme men who a year since had the power to pass measures of conciliation, like that proposed by the venerable statesman of Kentucky, declared that the day of compromise was past. The Nation, therefore, is now fully committed to the policy of war; and whether it be the best policy in order to preserve the Union and restore harmony, or not, those States that have decided to remain in the Union are, by the supreme law of the land, committed to this policy; and every citizen in the loyal States is under obligations to aid the Congress of the United States in the execution of all constitutional laws, in the manner indicated by those laws; and, if called out, to fight for their enforcement, wherever their due execution is opposed, and to shed his blood if necessary in their support. Every citizen is pre-



sumed to have a voice, in our republican form of government, in the making of the laws, and in determining and fixing the policy of his country; and his individual course of conduct must be controlled by the decisions of the majority, and not by his own personal inclinations and convictions.

In all forms of government, there must be some supreme standard of excellence,—some tribunal from which there is no appeal,—governing the line and course of our civil conduct, to whose decisions the loyal citizen must render a willing obedience in all things not necessarily matters of conscience. In monarchies, where the king is supposed to rule by divine right,—a right inherited, and not derived from the people,—the maxim has obtained, that “the king can do no wrong.” What he determines in the strict exercise of his prerogatives, must be obeyed, and he himself is amenable to no human tribunal for his acts. But in a republic the rule has necessarily obtained, that “the majority of the people can do no wrong.” To its decisions the individual citizen must render obedience. To be sure, it must be admitted that majorities may and do sometimes err; but that error must be, and usually is, corrected by themselves. The rule must be respected as a general truth, or all governments of and by the people are at an end. Any law may be set aside in its operation by every individual composing the community, and each individual will is law, if any other rule should obtain. Hence, every good citizen must of necessity, in his civil duties, obey the will of the majority, when ascertained, and until the same is revoked by the same authority. To a departure from this democratic rule must we attribute, to a great extent, the present difficulties, which threaten disaster to the principles of free governments throughout the world, founded on the idea of the capacity of man for self-government. A disregard for the will of the majority, in our system of government, begets a disrespect, that terminates in a contempt for all salutable and legal restraints whatever. “The older I become,” said one of the immortal sages of the American Revolution, “the greater distrust I have for my own opinions, and the greater respect for the opinions of others.” Such are the spirit and disposition which lead to a faithful obedience of the laws.

But this respect for the will of the majority, in our government, and implicit obedience of the laws, do not necessarily conflict with our natural liberty recognized and embodied in the bill of rights contained in our Constitution, as a guaranty against the despotism of a majority. There is no enlightened freedom but in doing right; every other kind of liberty is but a species of licentiousness, injurious both to him who uses it, and the society where it is exercised. And the violation of a law operating unequally and unjustly often proves more detrimental to communities than submission for the time being, until it can be lawfully and without violence changed. These are evident truths, which ought to be well understood, to indicate to the citizen his proper relations to the Commonwealth. But the right to freely discuss every law and policy of the Government is a sacred right, necessary to the purity of the governing power, and to the protection of the citizen from despotism, and should never be surrendered by a free people, not for one moment, at any time, or under any circumstances.

As was expressed in clear and distinct terms in my former Message, California by an overwhelming majority of her people has decided to unite her destiny with the other States that have adhered to the Union founded upon the Constitution framed by the fathers of the Revolution.



Whatever may have been the desire of individuals, as to what policy the State should adopt, in view of the condition of things in the older States, still the result of the election indicated her policy beyond any reasonable doubt. It cannot be said that the result did not clearly express the will of the majority. Every true and loyal heart in the State will, therefore, willingly bear whatever portion of the burden may fall to his lot, in sustaining the authorities of this State and the United States in every constitutional and lawful attempt to defend the Union and the Constitution against foreign or domestic foes—no matter how he may differ from the majority as to the propriety of the policy adopted; it is obligatory and binding upon every citizen until legitimately changed. But long prior to the late election, the *status* of California was fixed by action of her Legislature, at its last session, asserting her loyalty to the Union and the Constitution, in joint resolution, which was approved by me at the time of its submission, and which was in the following terms:

"That the people of California are devoted to the Constitution and Union of the United States, and will not fail in fidelity and fealty to that Constitution and Union, now, in the hour of trial and peril. That California is ready to maintain the rights and honor of the National Government at home and abroad, and at all times to respond to any requisition that may be made upon her to defend the Republic against foreign or domestic foes."

How faithfully my official acts have conformed to the sentiments here declared by the representatives of the people of this State, the history of the times will determine. Although, with one single exception, the only Executive of all the free States, entertaining political proclivities at variance with the party administering the National Government, not one of them can have displayed a greater promptitude in obeying every constitutional requisition of the President.

The founders of American liberty did not consider their work concluded, nor their institutions safe, until they had formed "A MORE PERFECT UNION" than existed between the thirteen colonies during the revolutionary struggle, for the preamble to the first compact reads as follows: "Articles of Confederation and PERPETUAL Union between the States;" showing that from the beginning the Union was one of the principles of the revolution, *lasting* as the life of a nation. The policy of the mother country had been to keep the several colonies, as so many separate provinces, without any bond of union between them of associated counsels, combined strength, or commercial privileges. Union and nationality, therefore, early became one of the principles of the revolution, without which the liberties of the people were not considered safe against the intrigues and alliances of the crowned heads and aristocracy of Europe, who are as hostile to Republican institutions now as they were in any past generation. It was considered that, without a supreme government to concentrate and wield the united strength of the whole, the new States would be incapable of maintaining their republican institutions against the combinations of European monarchies. That unless there was sovereign power in a National Congress, to guarantee and preserve peace between the several States, that internal discord and jealousies, promoted by ambitious men taking advantage of local prejudices and interests, would inevitably lead to civil war, as had been illustrated by the history of the ancient Grecian republics. That the principle of *UNITY* between the separate States, on the grounds of perfect equality in rights, in justice and in benefits, as expressed in the motto adopted for their coins, "*E PLURIBUS UNUM*," was the *vital* element of our free institutions and personal liberties; *UNITY* for defence, for the protection of our commerce,

for the suppression of domestic insurrections, and for the general welfare. The principle of *unity* is only specially valuable for the security of our liberties, for the protection of republican institutions; and for the overthrow and destruction of these, *disintegration* is the surest course that can be adopted. If, then, the warring sections of the Union are sincerely devoted to the principles of freedom and self-government, and under no circumstances would tolerate any form of government but republican, a Union of some kind, if nothing more than an ALLIANCE, offensive and defensive, will be established, whatever may be the result of the struggle of the Southern States for a separate independence and nationality. For the protection of their commerce on the high seas, for the purpose of preventing monarchical ideas and policy from overrunning the American Continent, as they have overrun and subdued Europe, a Union of some kind will be found absolutely necessary between these Republican States. The principle of Union is *life*.—the principle of Disintegration is *death*, to American policy, American greatness, and American progress and civilization; These sentiments were by me expressed on another occasion, to the public.

In the very beginning of the process of severance and disintegration of the American Union, we have a demonstration of the fact, that however hostile to each other European monarchies may be, they will settle their own disputes, and league together for the suppression of republican ideas and the maintenance of privilege, birth, and official honors in hereditary descent. Three of the great Powers of Europe have now combined to force monarchical institutions and aristocratic privileges upon that living embodiment of Disunion principles, the Republic of Mexico. And if the present unhappy war continues in the United States, until the forces of the Republic are unable longer from exhaustion to prolong the conflict, except in guerrilla warfare between the sections, the same Powers will combine to enforce aristocracy and royalty upon Americans, partitioning among themselves the splendid domain of the present American Empire. The Union of the States is not only necessary to the existence of republican institutions on this continent, but is the only hope of the oppressed nationalities of Europe in their aspirations for liberal laws and equal rights. The same combinations of monarchical power and wealth have heretofore been successful in crushing republican ideas upon the Eastern continent, wherever they began to obtain ascendancy in any portion of Europe. The increasing power and greatness of the American Union had inspired hope in the oppressed of Eastern nations that, in due time, the policy asserted by us on this continent,—non-interference of European monarchies in crushing out republican institutions,—would be extended there.

But while I am thus for the perpetuity of the Union; while every pulsation of my heart is loyal to the flag of our country; and while, as the Executive of this State, I have cheerfully and in good faith obeyed every legal requisition of the General Government made upon California through me,—I cannot but believe that the conflict might have been avoided by compromise, without the sacrifice of anything but sectional pride and sectional platforms. Nor can I entertain the hope that this Government can be preserved, except through a strict adherence to the Constitution and the enlightened compromises made under it. In the commencement of hostilities, the American people were assured by the Administration that their war policy was, to repel aggression, acting upon the defensive; to repossess the forts and other property of the nation; to blockade the harbors in the seceding States,

for the purpose of collecting the revenue, and arresting all foreign commerce with the revolutionists; to circumscribe the power of the malcontents, until the first phrensy of the revolt had time to exhaust its force; and to show a willingness and a readiness to receive and entertain at all times every proposition on their part to accommodate the difficulties. With this policy there could be no objection on the part of loyal men; it was the course that suggested itself to my mind as eminently proper, as obligatory upon the Government in order to perpetuate itself, and as becoming a magnanimous nation, still great, just and powerful. But this policy has not been strictly pursued.

Not only has this policy not been followed, but even now in the halls of Congress, and in the Cabinet of the President, are found advocates for making the war a system of social change and political convulsions so great, as the instant emancipation of four millions of negro slaves;—a policy which must inevitably terminate, if successful, in the subjugation and impoverishment of the white race, and the political elevation over them of the negro race; the result of which would be an overthrow of a refined and Christian civilization in the subjugated provinces, as signal as that which followed emancipation in the West Indies. In the execution of such a policy, it will not be possible to eradicate the idea now entertained by the Southern mind, that it was determined upon by the people of the North in their giving success to the now dominant party at the last Presidential election,—thus confirming in their own minds the justice of their cause, whatever may be the success attending it. And the future historian, in judging of the motives by the acts accomplished, will attribute to the Administration in power the deliberate intention from the beginning, to make this trouble an occasion for the emancipation to freedom and political equality of the slaves. The Government should not, then, pursue a line of policy that must bring as its results the certain and complete destruction of that entire section of our country, that its whole energies in appearance are now concentrated to bring back to its fealty to the Union? Why should it take from the minds and hearts of the loyal friends of the Union, now within the Southern borders, their faith and hope in the Government, and force them to see in the success of that Government their own inevitable destruction? To the loyal mind of the South must the loyal men of the North look for a reunion of our once happy country; and any course of conduct in carrying on the present war, that holds out no hope to the Union men of the South, is a war of desolation, that will render the South when reunited to us a section that will have become a lasting encumbrance to the Nation, not worth the blood and treasure expended in its reunion. Similar views are entertained by many distinguished citizens of our country, who are proving their loyalty by periling their lives upon the battle field; and all my hopes for the future of republican institutions in both hemispheres are centred in the final success of the Union, and vindication of the Constitution, as framed by the heroes and sages of the Revolution.

It is evident that it is not the mission of those who are under the influence of sectional sentiments, and who are governed by sectional platforms, North or South, to restore our Union. Parties of extreme views have often heretofore succeeded, upon their accession to power, in spreading disorder, distrust, and general declension in a nation, by the introduction of new ideas, by change, and by the breaking up of the established order of things; they have often succeeded in destroying the very ele-



ments of national prosperity; but rarely in preserving and enlarging the material interests of a nation. It is my firm conviction, therefore, that the mission of restoring the Union, founded by Washington and protected by Jackson, is reserved to a more conservative policy. When reason asserts her sway once more over minds now fired by passion and revenge; and when the political powers of this magnificent Republican Empire shall be controlled by National and not Sectional men, the country will find refuge in the midst of her troubles at home and abroad, her pecuniary embarrassments, and the desolation of her homes caused by civil war, in the conciliatory elements of Constitutional conservatism still existing in the patriotic masses of the Union.

In concluding my official connection with you, the representatives of the people of our State, having communicated to you the condition of the public interests, it affords me infinite pleasure to attest the general prosperity now existing in all the branches of our trade and industrial pursuits. In surrendering the trust to my successor, which I have held for the past two years, I have every confidence that it passes into the hands of one who will use it with zealous care and true fealty to the cause of the people, who have called him directly to the discharge of the responsible duties of the Chief Magistracy of this Commonwealth. And may we not indulge the hope that the kind Providence that has so far distinguished us with the choicest of His blessings, will continue to preserve us a free, just, happy, and united people?

JOHN G. DOWNEY.



APPENDIX

TO

GOVERNOR'S MESSAGE.

## LIST OF PARDONS

*Granted by Governor John G. Downey, for the year 1861.*

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2017 .....	John Daniels.....	Burglary .....	El Dorado....	1 year.....		
	<p>Decision.—The County Judge and the Associate Justices, the Jury that tried his case, together with all the officials of El Dorado County, join in a petition for his pardon. The County Judge in a special statement to me expresses belief that there was no intention to commit an offence, and that if he had any discretion in the case, he would have deemed the punishment incurred in the confinement and progress of the trial sufficient. Under the circumstances and considering the character and respectability of the petitioners and their official standing in the community where the offence was committed, I cannot but believe this a proper case for Executive clemency. He is therefore pardoned. January 15, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.	Good conduct during an imprisonment of four years, and having been punished sufficiently.	Officers of the State Prison.
835 .....	Charles C. Glenn....	Assault to Rape...	Yuba .....	14 years.....		
	<p>Decision.—During the imprisonment of said Glenn, he has conducted himself in a manner to win the respect of all, and the punishment already inflicted is deemed sufficient, and there are good hopes entertained that Glenn will prove himself a useful member of society. Let him be pardoned. February 7, 1861.</p>					

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1120 .....	Thomas McCauley..	Manslaughter....	Tuolumne ....	9 years.....	That subsequent developments of a respectable character, derived from disinterested and reliable sources, fully establish his innocence and good character during his imprisonment.	John Selzwick, George S. Evans, N. A. Tuttle, B. A. Mardis, B. F. Moore, J. H. Gunn, and numerous other citizens of Tuolumne county.
	Decision.—Whereas, the conduct of said McCauley has been exemplary during his confinement, and the officers of the State Prison certify to the same; and, whereas, several hundred highly respectable citizens of said county, including the Judge of the Court, have earnestly petitioned for his pardon, alleging serious doubts of the guilt of said McCauley, therefore, let him be pardoned. March 16, 1861.					
No. of Commitment.	Name.	Crime.	County.	Sentence.	The active and energetic support rendered by him to the officers of the State Prison at the late outbreak, and his uniform good conduct.	Hon. Joseph Powell, Hon. U. M. Gordon, Hon. S. S. Tilton, Hon. Wm. P. Tilden, Hon. James T. Ryan, Hon. D. L. Haun, Hon. Alex. Hunter, Hon. C. E. DeLong, Hon. J. M. Vance, Hon. E. H. Hancock, Hon. T. G. Phelps, State Prison Committee.
1575 .....	Alexander Griffin....	Murder, 2d degree	Nevada.....	15 years.....		
	Decisions.—His conduct has been uniformly such as to meet the approbation of the officers of the Prison; and whereas, the committee of the Legislature, who lately visited the Prison, petition for the pardon of said Griffin, and also a large number of highly respectable citizens of the county of Nevada ask that Executive clemency be extended to him; and whereas, further, the conduct of the said Griffin during the late attack was most exemplary and praiseworthy, let him be pardoned. March 19, 1861.					

## LIST OF PARDONS—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1303.....	Michael McGee .....	Murder, 2d degree	Nevada .....	10 years.....	That prior to his conviction he had been an industrious, peaceable and well-disposed citizen, and that his complicity in the crime for which he is now suffering the penalty of the law, was attributable to the rash and ill-considered counsel of those who led him into the difficulty, rather than to the promptings of an evil and malicious disposition.	S. W. Boring, J. R. McConnell, Hon. S. H. Chase, Thomas P. Hawley, N. C. Niles, A. A. Surgeant, Hon. Wm. Watt, J. D. Van Hagan, J. J. Rolfe, E. G. Waite, and numerous other citizens of Nevada County.
	<p>DECISION.—The said McGee, prior to the conviction aforesaid, had been an industrious, peaceable and well disposed citizen; and whereas, a large number of the most respectable citizens of Nevada county petition for the pardon of the said McGee among them the State Senator, Sheriff, County Clerk, and members of the Board of Supervisors, and believing that his complicity in the crime for which he is now suffering the penalty of the law, was attributable to the rash and ill-considered counsel of those who led him into the difficulty, rather than the promptings of an evil heart, let him be pardoned. March 19, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
1332.....	Christian Brunner...	Murder, 2d degree	Sonoma.....	11 years.....	His uniform good conduct prior to the commission of the rash deed, his great age, and other circumstances which will present themselves upon the perusal of the testimony.	Hon. E. W. McKinstry, District Judge, Hon. Joseph Powell, Hon. W. Ross, Hon. John B. Scott, Hon. U. M. Gordon, Hon. John H. Hill.
	<p>DECISION.—His uniform good conduct prior to the commission of the rash deed for which he was sentenced, his great age, and the exemplary manner in which he has conducted himself since his imprisonment; and whereas, the Judge who tried him has petitioned for his pardon; and whereas, also, the committee of the Legislature who recently visited the prison, recommend that Executive clemency be extended to him, alleging that he is worthy of pardon, let him be pardoned. March 20, 1861.</p>					



No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1749 .....	Chester C. Bowker.	Manslaughter .....	El Dorado....	5 years.....	That the act was committed under the impulse of sudden and irresistible passion, caused by a serious and aggravated provocation; a large family depending upon him for their support; his good conduct during imprisonment, and that the ends of justice have been fully attained in the punishment he has already endured.	Hon. Jas. Johnson, County Judge El Dorado County; S. W. Sanderson, District Attorney El Dorado County; W. A. January, County Clerk El Dorado County; W. J. Buswell, Sheriff El Dorado County; Hon. B. F. Myers, District Judge; Hon. Thos. B. Wade, Mayor of Placerville; Hon. F. Foster, Member of Assembly, El Dorado; Hon. John Conness, Member of Assembly, El Dorado; Hon. Alex. Hunter, Member of Assembly, El Dorado; James J. Green, Member of Assembly, El Dorado; Hon. O. Harvey, State Senator, El Dorado; and many of the citizens of El Dorado County, together with the balance of Delegation in State Legislature; officers of State Prison.
	<p>Decistox.—Whereas, the said Bowker has conducted himself in a commendable manner since his confinement in the State Prison; and whereas, a petition asking for the pardon of the said Bowker has been presented to me, signed by the District Judge who tried him, the District Attorney, the County Clerk, the Sheriff, the County Judge, together with the Delegation in the State Legislature from El Dorado County, and many other respectable citizens of that county, representing that the crime was perpetrated under the impulse of sudden and irresistible passion, caused by serious aggravated provocation, therefore, let him be pardoned. March 22, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
1257.....	Louis Strelitz.....	Assault to kill.....	Sacramento..	5 years.....	That since his conditional pardon by Gov. Weller, he has resided in Oregon and has conducted himself with the utmost propriety, and at present serious doubts of his guilt are entertained.	Matthew H. Furman, San Francisco; G. Rosenberg, San Francisco; Samuel Platt, San Francisco; M. J. Burke, Chief of Police, San Francisco; C. C. Sackett, San Francisco; D. W. Welty, Sacramento.
	<p>Decistox.—Whereas, on the 12th day of July, 1859, His Excellency John B. Weller, then Governor of the State of California, pardoned the said Louis Strelitz on condition that he should leave the State, never to return; and whereas, serious doubts have arisen as to the guilt of the said Strelitz of the crime for which he was convicted, and it having been represented to me by reliable authority that his conduct since said conditional pardon has been exemplary, let a full pardon issue. March 29, 1861.</p>					

## LIST OF PARDONS—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1621 .....	James Kenney .....	Burglary .....	San Francisco .....	5 years .....	From circumstances that have transpired since the trial, as well as from information received through the detective officers, grave doubts exist as to his guilt.	Hon. M. C. Blake, County Judge San Francisco County; Hon. T. W. Freeman, ex-County Judge San Francisco County; H. S. Brown, District Attorney San Francisco County; P. Sath-er.
	<p>Decision.—Whereas, the Judge who tried and sentenced the said Kenney recommends that he be pardoned; the District Attorney also joins in such request; and in view of the youth, and in the hope that a reformation has been accomplished by the punishment already inflicted; and whereas, detective officer Johnson, of San Francisco, petitions that said Kenney may be pardoned, alleging, that after a careful investigation, he is satisfied of the innocence of the prisoner, therefore, let him be pardoned. April 11, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
1622 .....	John O'Brien .....	Burglary .....	San Francisco .....	3 years .....	From circumstances that have transpired since the trial, as well as from information received through the detective officers, grave doubts exist as to his guilt.	Hon. M. C. Blake, County Judge San Francisco County; Hon. T. W. Freeman, ex-County Judge San Francisco County; H. S. Brown, District Attorney San Francisco County; P. Sath-er.
	<p>Decision.—Whereas, the detective officers of San Francisco allege, that after careful investigation, they are satisfied of the innocence of said O'Brien; and whereas, the County Judge and District Attorney petition for the pardon of O'Brien upon the condition that he leaves the State; and respectable citizens of San Francisco join in such request, therefore let him be pardoned, upon the condition that he leaves the State, never to return. April 11, 1861.</p>					

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1508.....	Lafayette Choiser.....	Manslaughter.....	Mariposa.....	5 years.....	The conflicting testimony offered on trial, (which raised some doubts) the youth of the prisoner, and his former good name, and the belief that the ends of justice and humanity would be best obtained by his pardon.	Hon. E. Burke, District Judge; Hon. I. M. Bondurant, County Judge Mariposa County; Richard H. Daley, District Attorney Mariposa County; J. D. Crippen, Sheriff Mariposa County; Alexander Daring, W. N. Guard, James M. Van Dyke, S. C. Franklin, and numerous other citizens of Mariposa County; officers of State Prison certifying to good conduct.
<p>DECISION.—Whereas, the Judge who tried and sentenced the said Choiser, together with the County Judge, District Attorney, Sheriff, County Clerk, County Recorder, and a very large number of other respectable citizens of Mariposa County, have petitioned for his pardon, in the name of Humanity, Mercy and Justice, alleging the youth and uniform previous good conduct of said Choiser:</p> <p>Now therefore, by virtue of the authority in me vested by the Constitution and laws of this State, I hereby pardon the said Lafayette Choiser, upon this express condition, that a conviction of violating any of the criminal laws of this State, shall operate as an absolute forfeiture of all the rights and privileges conferred by these presents. May 3, 1861.</p>						
No. of Commitment.	Name.	Crime.	County.	Sentence.	Subsequent developments have fully established his innocence.	S. Heydenfeldt, Frank Hereford.
1832.....	Isaac Lipstine.....	Grand Larceny....	Placer.....	5 years.....		
<p>DECISION.—Whereas, subsequent developments have transpired, which render the innocence of the said Lipstine manifest; and, whereas, he was a mere laborer and employe of one Stone, (who was indicted and convicted at the same time, and whose innocence has been established by his acquittal on a new trial being ordered by the Supreme Court) and had no interest whatever in the subject of the controversy, a team, of which Lipstine was driver for Stone, and whose orders he obeyed. He is not even technically guilty. Let him be pardoned. May 29, 1861.</p>						

## List of PARDONS—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2120.....	G. F. Seely.....	Assault to murder	Butte.....	1 year.....	Subsequent developments, since his trial and conviction, raise strong doubts as to his guilt; his excellent conduct, and that he has already been sufficiently punished.	Hon. Thomas Wells, County Judge Butte County; Hon. J. M. Vance, Hon. P. H. Harris, L. C. Granger, N. Maurice, Peter Freer, A. H. Connelly.
	Decision.—Whereas, subsequent developments to his trial and conviction have induced the County Judge before whom he was tried and sentenced, to ask for his pardon, which request is urged by a large number of respectable citizens of Butte County, let him be pardoned. July 11, 1861.					
No. of Commitment.	Name.	Crime.	County.	Sentence.	That he was unjustly and wrongfully convicted, and is entirely innocent of the crime, having been convicted on the testimony of one Mahoney, a pardoned State Prison convict.	Hon. Wm. Churchman, County Judge Sonoma County; Wm. Ross, late District Attorney; William Wilks, Otho Hinton, W. C. Wallace, Frank W. Shattuck, Wm. H. Crowell, James W. Shattuck.
1640.....	Frank Ward.....	Grand Larceny....	Sonoma.....	10 years.....		
	Decision.—Whereas, said Ward was convicted with one Ball and others, mainly upon the evidence of one Mahoney, a pardoned State Prison convict, who has subsequently denied the truth of the evidence given by him on the trial, and upon a test case of defendant Ball to the Supreme Court, he was at once discharged; and, whereas, the District Attorney who conducted the prosecution has given it as his opinion, that under all the circumstances, it is entirely proper to pardon the defendant. Let him be pardoned. July 11, 1861.					



No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1639 .....	William S. Brown.....	Grand Larceny ....	Sonoma .....	10 years.....	That he was unjustly and wrongfully convicted of the crime, upon the testimony of one Mahoney, a pardoned State Prison convict, and that he is innocent of the crime of which he was convicted.	Hon. Wm. Churchman, County Judge Sonoma County; Wm. Ross, late District Attorney; Wm. Wilks, Ohio. Hinton, W. C. Wallace, Frank W. Shattuck, Wm. H. Crowell, James W. Shattuck.
	<p>DECISION.—Whereas, said Brown was convicted with one Ball and others, mainly upon the evidence of one Mahoney, a pardoned State Prison convict, who has subsequently denied the truth of the evidence given by him on the trial, and upon a test case of defendant Ball to the Supreme Court, he was at once discharged; and whereas, the District Attorney who conducted the prosecution has given it as his opinion, that under all the circumstances, it is entirely proper to pardon the defendant. Let him be pardoned. July 11, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
1342 .....	Augustus Stoltz.....	Murder 2d degree.	Calaveras ....	10 years.....	That his character for integrity and industry had always been excellent up to the commission of the crime for which he is now suffering, and that his conduct during imprisonment has been uniformly good.	Hon. Chas W. Creaner, District Judge, Wm. Higby, and numerous citizens of Calaveras County.
	<p>DECISION.—Whereas, the said Stoltz has, ever since his conviction, been incarcerated in the State Prison, and a certificate of good conduct has been received from the officers of the prison; and, whereas, the District Judge of the Fifth Judicial District, before whom he was tried and sentenced, has represented to me that Stoltz is a proper case for Executive clemency, and asks that he be pardoned. Therefore, let him be pardoned. July 23, 1861.</p>					

## LIST OF PARDONS—Continued

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1955 .....	Frederick Phelps....	Grand Larceny....	San Diego.....	2 years.....	His previous excellent character, and that, if guilty of the larceny charged, his criminality was more the result of bad associations than innate depravity; the punishment already received being fully adequate to the offence committed.	Hon. J. B. Kurtz, County Judge San Diego County; D. B. Hoffman, District Attorney San Diego County; E. Van Valkenburgh, Wm. Snow, and many others.
	<p>Decision.—The Judge who sentenced said Phelps, and the Jury who tried the case, together with the county officers of San Diego County and a large number of the most respectable citizens of said county, petition for his pardon, setting forth as reasons, previous good conduct, and that the punishment already received is fully adequate to the offence committed. Let him be pardoned. July 23, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
840 .....	John Gardner.....	Crime against Nature.....	Nevada.....	10 years.....	That he was the victim of a most foul conspiracy by perjured witnesses, as subsequent developments conclusively show, and that he is entirely innocent of the crime of which he was convicted.	Hon. Thomas H. Caswell, late County Judge of Nevada County; James Creegan; Andrew Campbell; John Caldwell; H. M. Moore, and many other citizens of Nevada county.
	<p>Decision.—The said Gardner has served faithfully in the State Prison since the time of his sentence; and whereas, grave doubts exist in the mind of the Judge who tried and sentenced him, and some of the jurors in the case, and also many respectable citizens of the county of Nevada, from developments subsequently made, of the guilt of said Gardner, and have consequently urged that a pardon be granted. Let him be pardoned. July 25, 1861.</p>					



## LIST OF PARDONS—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1228.....	Thomas Grabildi ....	Murder, 2d degree	San Francisco	15 years.....	His long imprisonment, his uniform good conduct during said imprisonment, being provoked, challenged and first attacked by deceased; his previous good character as an industrious, peaceable man, and the ends of justice would be subserved by restoring him to liberty.	H. H. Byrne, late District Attorney San Francisco; N. Larco, Sol. A. Sharp, David Johnson, Jerome Rice, C. W. Guthrie, Joseph Argenti, Thos. O'Conner.
	<p>DECISION.—From the statement of the District Attorney in this case, and the evidence on file, it would appear that the crime with which Grabildi is charged, and for which he was convicted and sentenced, was committed in self defence, and as set forth by petition for pardon signed by most respectable citizens in San Francisco, it is clear to my mind a verdict could not be found against the prisoner but for the great public excitement in San Francisco at that time. Having served four years imprisonment, and having conducted himself well, and having previously borne an excellent character, I deem it proper to exercise Executive clemency. Let him be pardoned. August 14, 1861.</p>					



No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
.....	Ab Poth.....	Murder 1st Degree	Alameda.....	Death.....	Since the trial, testimony has been filed in the case, which, had it been produced in time, would have secured the acquittal of the prisoner. On the occasion of a late desperate attempt to break jail, by the other prisoners, Ab Poth declined to act in concert with them.	Hon. S. B. McKee, District Judge Third Judicial District; P. E. Edmondson, Sheriff Alameda County; J. R. Mason, County Clerk Alameda County; J. W. Carrick, County Treasurer Alameda County; Wm. P. Rodgers, George M. Blake, and numerous other citizens of Alameda County.
.....	<p>Decision.—Whereas, at the November term, A. D. 1860, of the District Court, held in and for the County of Alameda, in said State, Ab Poth was tried and convicted of the crime of Murder in the first degree, and sentenced to be executed on the 6th day of September, A. D. 1861:</p> <p>And whereas, it has been represented to me by the District Judge, of the Third Judicial District, who tried this cause, that subsequent testimony has been filed in the case, and of such character as to satisfy the said Judge, that if it had been produced upon the trial of the accused, it would have secured the acquittal of the prisoner; also, a number of respectable citizens of Alameda County, including the county officers thereof, join in petitioning for the pardon of the said Ab Poth; and allege such reasons for the exercise of clemency in behalf of the condemned, founded upon the poverty of the prisoner and his entire ignorance of our language, which, at the time of his trial, disqualified him from making such defence as his case admitted of, a fact confirmed by subsequent events.</p> <p>From the statement of the District Judge, before whom and by whom this cause was tried, and who has had every reasonable opportunity to obtain accurate knowledge and to form a correct opinion of the merits of the case; from the meagre character of the testimony adduced on trial, which was taken down by the Judge and forwarded for my examination, as by law required; and from the subsequent affidavit filed in the case, a copy of which accompanies the said petition, I have become satisfied that this is a proper case for the exercise of Executive clemency, all remedy having passed beyond the jurisdiction of the Courts, and the justice of the case requiring interposition. Let him be pardoned. August 28, 1861.</p>					



No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1543.....	Juan Bernal.....	Rape.....	Santa Clara..	10 years.....	That public justice would be sufficiently served by remitting the remainder of his sentence; his youth, and this being his first offence; his good conduct during imprisonment, and his suffering from affliction, all demand Executive clemency.	Hon. C. P. Hester, Hon. Pablo de la Guerra, John B. Hovson, N. C. Campbell, and officers of State Prison.
	<p>DECISION.—Whereas, the great number and respectability of the petitioners in his favor; the advice of the Judge who sentenced him; that his imprisonment for more than four years is adequate punishment; the unfavorable reputation of the prosecutors; the youth of the prisoner and its being his first criminal offence; the extreme penitence and good conduct of the prisoner while in confinement; the need of his services in the support of an impoverished family, consisting of a mother and numerous small children, all combine to force the conviction on my mind that the ends of the law will be subserved by his pardon. Let him be pardoned. September 26, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
75.....	Cherino Rivera.....	Grand larceny.....	San Joaquin.	10 years.....	His long imprisonment (over nine years) and his excellent conduct during said imprisonment fully vindicate the law, and the ends of justice are satisfied.	J. K. Shafer, Associate Justice at trial; J. G. Jenkins, District Attorney, and officers of State Prison.
	<p>DECISION.—Whereas, the Judge who sentenced said Rivera and the District Attorney who prosecuted him represent, that from the fact of his having served already nine years and three months imprisonment, during which time he has conducted himself in an exemplary manner, as evidenced by the certificate of the officers of the Prison; that the law has been fully vindicated and the ends of justice satisfied; and believing from the evidence on file in this office that said Rivera has been sufficiently punished, and that he has given ample proof, by his uniform good conduct and obedience to the discipline of the prison, that a reformation has been effected in this case. Let him be pardoned. October 9, 1861.</p>					







LIST OF PARDONS—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
308.....	Domingo, (Indian.)	Murder .....	Santa Barbara	10 years.....	That the crime was committed under great provocation, and that during his long imprisonment he has been obedient and faithful.	Hon. Pablo de la Guerra.
	<p>DECISION.—Whereas, the Hon. Pablo de la Guerra and other gentlemen of great respectability in Santa Barbara, petition for his pardon, representing that the homicide was committed in a quarrel when intoxicated, under circumstances of provocation by the deceased (an Indian:) that Domingo up to that time sustained the character of a good, peaceable Indian; has always been submissive, kind and faithful; and that the universal desire of the people of that county is represented to be in favor of the exercise of clemency at this late period, in shortening the term of punishment. Let him be pardoned. November 29, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
2193.....	James Mulholland.	Murder, 2d degree	Sierra.....	10 years.....	That there are many extenuating circumstances attending his case, and the fact of the jury recommending him to the mercy of the Court, all combine to make this a case for the interposition of Executive clemency.	Hon. R. H. Taylor, District Judge; P. J. White, late Sheriff Sierra county; G. H. Tuttle, Clerk Sierra county; and nine of the trial jurors.
	<p>DECISION.—Whereas, it has been represented to me by the Hon. the District Judge, and all the jury at present in the State, to the number of nine, who tried the case, as well as by other respectable citizens, that from their knowledge of the accused and the many extenuating circumstances in the case, he was only guilty of violating the <i>letter</i> of the law, and is deserving of Executive clemency; and his conduct in prison having been commendable; and due notice of his application for pardon having been given and published, no one appearing to contest it; and being further advised that the "deceased," for the killing of whom he was convicted, before his death desired him not to be prosecuted, and exhorted him from blame; and some of the friends of the "deceased," desired any prosecution of the accused. Let him be pardoned. December 9, 1861.</p>					



## LIST OF PARDONS—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2250.....	Henriquo Welch.....	Assault with deadly weapon to inflict great bodily injury, etc.....	Contra Costa.	1½ years.....	His excellent conduct during imprisonment, and that there are strong mitigating circumstances attending his case.	Hon. Thomas A. Brown, County Judge Contra Costa County; W. W. Theobalds, ex-District Attorney Contra Costa County; and numerous other citizens of Contra Costa County. Officers of State Prison certifying to good conduct.
	<p>DECISION.—Whereas, it has been represented to me by petition on his behalf, signed by the County Judge who tried the case, and the District Attorney who prosecuted him, as well as by a large and respectable number of citizens of that county, that the offence was committed under mitigating circumstances that palliate the crime in this instance, and that he ought to be pardoned; and considering the nature of the offence, the punishment already endured, and the good conduct while in prison, of the applicant, I have concluded to grant his request.</p> <p>Now, therefore, by virtue of the authority in me vested, I do hereby pardon the said Henriquo Welch, upon this express condition, that a conviction of violating any of the criminal laws of this State shall operate as an absolute forfeiture of all the rights and privileges conferred by these presents. December 19, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
1987.....	He Fung.....	Burglary.....	Nevada.....	3 years.....	His extreme age, and that he was the victim of a conspiracy, and if guilty of the crime of which he was convicted, that he has been amply punished.	Hon. D. Belden, County Judge Nevada County; E. W. Maslin, District Attorney Nevada County; J. W. Van Hagan, Thomas P. Hawley, John Anderson, George B. Tingley.
	<p>DECISION.—Whereas, the County Judge and District Attorney who tried the case, and the county officials generally, and other citizens of that county, unite in a petition for his pardon, representing that he is a Chinaman over sixty years old, having a wife and children; that he heretofore has sustained a good character and was the victim of villains in the matter; and they doubt his guilt, and think that he has been sufficiently punished if he was guilty. The character of the petitioners warrants my interposition. Let him be pardoned. December 23, 1861.</p>					



No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1395.....	Edw'd Crough alias Henderson .....	Manslaughter.....	Placer .....	10 years.....	His long imprisonment ; excellent conduct, and valuable services rendered at State Prison on the occasion of an attempted outbreak.	Hon. B. F. Myers, District Judge ; Hon. P. Munday ; H. R. Hawkins, acting District Attorney at trial ; Joseph Hamilton ; W. L. Selkirk, County Recorder ; L. L. Bullock, Sheriff ; C. W. C. Rowell ; J. C. Peunie, Warden State Prison.
	<p>DECISION.—Whereas, the District Judge and District Attorney of that county, and the county officials generally, and a large number of the citizens petition for his pardon ; the influence in his favor is of so respectable and universal character, that it would seem to be inexorable severity to disregard it, especially since he has already suffered imprisonment for nearly four years, and has borne the best of character in prison. Therefore I feel it incumbent upon me to carry out the general desire of the citizens of Placer County. Let him be pardoned. December 23, 1861.</p>					

Total Number of Pardons.....36

PARDONS FROM COUNTY JAILS,  
Granted by Governor John G. Downey, for the year 1861.

Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Hilario Solis.....	Gaming .....	Tuolumne.....	\$100 fine, \$79 25 costs.....	That it was his first offence; his previous good character, and the sufficiency of the punishment already inflicted.	James Letford, Associate Justice; Charles F. Dodge, Associate Justice; H. P. Barber, District Attorney; B. F. Mardis, County Clerk, and other county officers and citizens of Tuolumne County.
<p>DECISION.—In the above case the prisoner was sentenced to undergo an imprisonment in the County Jail until the sum of \$179 25, fine imposed, was paid.</p> <p>And, whereas, the said Solis has been imprisoned, since the date of the rendition of the sentence, and it is represented to me and satisfactorily shown that the said Solis has not the money to pay said fine; further, the County Judge, District Attorney, and most of the county officers of said Tuolumne County petition for the pardon of said Solis: Wherefore, the fine imposed by the Court of Sessions is hereby remitted and the said Solis pardoned. March 6, 1861.</p>					
Name.	Crime.	County.	Sentence.		
James Gallagher.....	Petit Larceny.....	Sacramento.....	150 days in County Prison or \$300 fine.....	His ill health; that his sentence was harsh in the extreme, and that he long since more than expiated the crime for which he was adjudged guilty and sentenced—there having been only \$12 involved.	C. Cole, District Attorney; B. B. Redding, D. W. Welty, Wilson Flint, S. Marshall, The Grand Jury of Sacramento County.
<p>DECISION.—Whereas, the said Gallagher has served in the chain-gang and in the County Jail of Sacramento County for about one year; And, whereas, the Grand Jury of the county has petitioned that he be pardoned, alleging that the punishment has undermined the health of said Gallagher, and that he has long since expiated the crime for which he was sentenced. Therefore, let him be pardoned and the fine remitted. April 19, 1861.</p>					

Names of Petitioners known to Gov.				Names of Petitioners known to Gov.
Name.	Crime.	County.	Sentence.	
Daniel McLaughlin.	Assault and battery.....	Butte.....	3 months in the County Jail and fine of \$200.....	Hon. Thomas Wells, County Judge Butte County; W. O. Middleton, Sheriff Butte County; L. C. Gran-ger, S. Rosenbaum, S. W. W. Cough-er, James O'Brien, M. D.; F. M. Smith, District Attorney.
<p>Devotion.—Whereas, it has been represented to me by the presiding Judge, and also by respectable officers of the Court, members of the Bar, and Physicians of said county, that the said McLaughlin has contracted a contagious disease and is threatened with consumption, and that in consequence of the dampness of the prison, his health is in imminent danger, and that he is a young man, quite poor, and unable to pay the fine, or any portion of the same.</p> <p>And, whereas, the said McLaughlin has been imprisoned since the 22d day of February, 1861, and has conducted himself in a quiet manner, giving every evi-dence of reformation, let the fine be remitted. May 17, 1861.</p>				His good conduct during imprisonment; that he has, while in prison, contract-ed a disease that threatens his life; his youth, and inability to pay the fine imposed, and that the punishment he has already received has fully sub-served the ends of justice.
Name.	Crime.	County.	Sentence.	Names of Petitioners known to Gov.
Francisco de Avalos	Bigamy .....	San Francisco	2 years in County Jail.....	
<p>Devotion.—Whereas, on the 4th day of August, A. D. 1860, in the Court of Sessions held in and for the City and County of San Francisco, in said State, Francisco de Avalos was tried and convicted of the crime of bigamy and sen-tenced to undergo an imprisonment in the County Jail for the term of two years from August 4, 1860.</p> <p>And, whereas, a petition for his pardon (accompanied with the proper and legally published notice of this application) has been presented to me, signed by the District Attorney who prosecuted him, by the two keepers of said jail and the Sheriff of said county, and also by a large number of citizens, principally of Spanish descent; and I am assured that during his confinement, for nearly six-teen months, his conduct has been exemplary, showing deep penitence; and that his health has been impaired by close confinement during all that time, without exercise, in a room five and a half by nine feet; and that his lawful wife, (who also applies for his pardon,) with her child, are in destitute circumstances, requiring his services for their support; and deeming that justice in this case should now be tempered with mercy, therefore let him be pardoned. September 18, 1861.</p>				That the prisoner has been closely con-fined and shut up in a cell for a period of fifteen months with at least one and sometimes two prisoners, with no means of exercise. His conduct has been exemplary, showing a deep peni-tence for the offence committed.

# PARDONS FROM COUNTY JAILS—Continued.

Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Reese Jenkins.....	Assault and battery .....	Sacramento...	Fine of \$100, or 50 days imprisonment in County Jail.	That his wife and children are suffering from his absence, and during his imprisonment he has conducted himself in a correct and proper manner.	Thomas W. Gilmer, Police Judge Sacramento City; P. J. Hopper, Deputy District Attorney; J. J. Watson, Chief of Police; George H. Brickman.
<p>DECISION.—The Police Judge, and the Deputy District Attorney who prosecuted the case, as well as the Chief of Police of this city, and others, have united in petitioning for his pardon on the ground that he has served out eleven days and behaved very properly, and has a destitute family dependent on his labor for support, and the complaining witness intercedes for him (being his wife) saying he was intoxicated at the time of the offence; that he is generally temperate and kind, and it is his first offence. Let him be pardoned. November 29, 1861.</p>					

Total Pardons from County Jails.....5



# NAMES OF INSANE CONVICTS SENT FROM STATE PRISON TO STATE INSANE ASYLUM,

*By Governor John G. Downey, for the year 1861.*

No. of Commitment.	Name.	Crime.	County.	Sentence.	Date of Order.
1675.....	Joseph Chauncey .....	Grand Larceny.....	Trinity.....	4 years.....	December 16, 1861. ....

Number of Insane Convicts sent to Insane Asylum.....1





## RESPIES—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec. 24, 1861.	Michael Escobosa....	Murder .....	Yuba.....	Death. ....	Want of time to make the proper representations to the Governor for a commutation of his sentence.	H. K. Mitchell; Richard Hall, Sheriff Yuba County; James Frayner.
<p data-bbox="290 787 497 1347"> <i>Decision.—The People of the State of California to the Sheriff of the County of Yuba, greeting: Whereas, information has reached me that one Michael Escobosa is under sentence of death, and an order for his execution on the 27th day of this month has been issued; and, whereas, an application on his behalf for Executive clemency is about to be made, and the District Judge before whom he was tried, has entirely failed to furnish the Governor with "a statement of the conviction and judgment and of the testimony given at the trial," as required by the 46th section of the Criminal Practice Act, without which said application cannot be duly considered.</i> </p> <p data-bbox="497 787 595 1347"> <i>I have, therefore, concluded, and the Sheriff aforesaid is hereby ordered, to postpone said execution until Friday, the 14th day of February, A. D. 1862, at which time, between the hours of 12 m. and 4 p. m., (in the absence of further orders,) said execution will by you be carried into effect.</i> </p>						

Number of Respies.....3



# COMMUTATIONS OF SENTENCE

*Granted by Governor John G. Downey, for the year 1861.*

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Mar. 18, 1860.	Jesus Bealoba.....	Murder.....	Calaveras.....	Death.....	That certain evidence, if it had been properly brought before the jury, would have reduced the crime to murder in the second degree.	Hon. James H. Hardy, District Judge Sixteenth Judicial District, who tried the case.
<p>DECISION.—<i>To the Sheriff of the County of Calaveras, and to all others to whom these presents shall come, greeting :</i> Whereas, at the February term, A. D. 1861, of the District Court held in and for the County of Calaveras, in said State, Jesus Bealoba was tried and convicted of the crime of murder and sentenced to be hung on the 19th day of April, A. D. 1861 ;</p> <p>And whereas, his case was appealed to the Supreme Court, where the judgment of the Court below was affirmed ;</p> <p>And whereas, Judge Hardy, before whom the said Jesus Bealoba was convicted, certifies to me, that on the trial the prisoner's counsel offered to prove certain statements made by the deceased, after he received the mortal shot, which statement did not come within the rule concerning dying declarations, but owing to the peculiar manner in which the offer was made, the evidence was admitted, but the jury was afterwards charged that the evidence was not legal and competent. The counsel for the prisoner, a respectable member of the bar in Calaveras County, afterwards made an affidavit, showing that by such ruling he was taken by surprise, and that had he known or anticipated such ruling, he could have objected the difficulty by other competent evidence, and the facts sought to have been established were of a character that might have reduced the crime to murder in the second degree ;</p> <p>And whereas, the said Judge Hardy, who tried and sentenced the said Jesus Bealoba, further certifies to me that he is now satisfied of the truth of the attorney's statement, that he was surprised and misled as to the law of the case, and that the said Judge Hardy believes that it would be safest to commute the punishment, and freely and earnestly recommends the punishment to be commuted to imprisonment for life ;</p> <p>Now therefore, by virtue of the authority in me vested by the Constitution and laws of the State, I hereby commute the sentence of the said Jesus Bealoba from death to imprisonment in the State Prison for his natural life, and order the officers of the prison to receive him accordingly.</p>						

# COMMUTATIONS OF SENTENCE—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 25, 1861	William Price.....	Murder.....	Sacramento.....	Death.....	That for the last three years he has borne the character of a quiet, harmless person, of timid, nervous temperament, verging upon mental imbecility, and that the deceased had frequently threatened to take his life, and the crime was committed from fear, and not from the promptings of a malicious heart.	Joseph W. Winans, Frank Hereford, B. C. Whiting, H. O. Beatty, J. H. Cass, Humphrey Griffith, A. C. Monson, H. H. Hartley, and twenty-two other members of the Sacramento bar. J. R. Hardenburgh, Foreman Grand Jury; Richard H. Daley, Secretary Grand Jury; Hon. E. H. Heacock, Senator; J. P. Dyer, D. L. McDonnell, William Shattuck, S. Marshall, J. M. Duncan, M. McManis, and numerous other citizens of Sacramento City and County.
	<p>Decision.—Whereas, at the December term, A. D. 1860, of the District Court, held in and for the County of Sacramento, in said State, William Price was tried and convicted of the crime of murder, and was sentenced to be executed on the 10th day of May, A. D. 1861;</p> <p>And whereas, it has been represented to me by a large number of the lawyers of the city of Sacramento, who were present at the trial of said Price, and from the developments there made, together with his mental condition, they were satisfied that he can hardly be considered an accountable being, and that, although his case was appealed to the Supreme Court, but on account of a mistake in the transcript, it was never heard in that Court, and that from their knowledge of the said Price and his case, that justice does not require that his life should be forfeited for this offence;</p> <p>And whereas, it appears from the testimony, that beyond doubt, Price, the deceased, had frequently threatened to take the life of Price, and that before the affray, which resulted in the death of the former, Price had followed Price, threatening and insulting him in the grossest manner;</p> <p>And whereas, it appears that the said Price has always borne the character of a quiet, harmless person, of timid, nervous temperament, verging upon mental imbecility;</p> <p>Now, therefore, by virtue of the authority in me vested by the Constitution and laws of this State, I hereby commute the sentence of death to that of imprisonment for life in the State Prison, of the said William Price.</p>					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
July 23, 1861	Michael Hargain....	Murder.....	San Francisco.	Death.....	That the crime was committed under great provocation, sufficient to create doubts in the minds of the jury as to his sanity; and the jury were of the opinion that a recommendation of the prisoner to mercy would prevent him from receiving the extreme penalty of the law.	Gen. James Shields, H. H. Byrne, John Curry, George B. Tingley, Samuel Platt, Geo. F. Sharp, Elisha Cook, John V. Watson; George F. Parker, Frank Eastman, and nine others of the jury who tried the case; Thomas Hayes, R. F. Ryan, John Kelly, and numerous other citizens of San Francisco.
<p>DEATH.—Whereas, at the February term of the District Court, for the Fourth Judicial District, in and for the City and County of San Francisco, Michael Hargain was convicted of the murder of Honora Hargain, in the first degree, and sentenced by the Court to be hung on Friday, the 3d day of May, 1861;</p> <p>And whereas, upon representations made to the Executive of the State, the sentence of the Court was respited to Friday, the 26th day of July, instant;</p> <p>And whereas, further, it having been represented to me by the jury who tried and convicted the said Hargain, that they were unable for a long time to agree upon a verdict on account of doubts regarding the sanity of the prisoner; the extenuating circumstances, and the great provocation under which he labored, and that if it had not been believed and understood by the jury, that the Executive would interpose his clemency, a verdict of guilty, as charged in the indictment, would not have been obtained; and the said jury, together with a large number of respectable members of the San Francisco bar, earnestly invoke the Executive interference for the commutation of the sentence of the Court to that of imprisonment for life;</p> <p>Now therefore, by virtue of the authority in me vested by the Constitution and laws of the State, I hereby commute the sentence of the Court, from death by hanging, upon the said Michael Hargain, to that of imprisonment for life in the State Prison, and the Sheriff is hereby commanded to convey the said Hargain to the said State Prison accordingly, to be there securely and safely kept for the period of his natural life.</p>						

Total Number of Commutations.....3

## RESTORATIONS TO CITIZENSHIP.

*Granted by Governor John G. Downey, for the year 1861.*

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1774.....	John Coleman.....	Manslaughter.....	Butte.....	1 year.....	Excellent conduct during his full term of imprisonment.	Hon. J. N. Quinn, Lt.-Gov., and Resident Director; other officers of State Prison.
	<p>Decision.—The said Coleman has fully served out the term of his imprisonment, and conducted himself in an excellent manner, and has received the recommendation of the Resident Director and other officers of the prison, for his restoration to citizenship. Let him be restored to citizenship. January 10, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
1865.....	George F. Wyman.....	Manslaughter.....	San Mateo.....	1 year.....	That the conviction was based upon circumstantial evidence only, and grave doubts exist as to his guilt.	Joseph E. Sellick, G. R. Baden, George H. Eadsign, James E. Dennison, B. G. Lathrop, Sol. A. Sharp.
	<p>Decision.—Grave doubts have arisen in the minds of the people of the county in which the crime was committed, as to the guilt of the accused; and a large family being dependant upon the daily labor of the said Wyman for their support, and petitions numerous signed by respectable citizens of the county are presented to me, asking for pardon. Let him be restored to citizenship. January 31, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
823.....	James B. Clark.....	Grand Larceny.....	San Francisco.....	3 years.....	Good conduct during his full term of sentence.	All the officers of the State Prison.
	<p>Decision.—Having served out his full term of imprisonment of five years, and his conduct having been uniformly good, let him be restored to citizenship. February 7, 1861.</p>					



No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1562.....	Elijah Woodward ...	Assault with intent to commit Rape .....	San Francisco	2 years.....	Good conduct during his full term of sentence.	Officers of the State Prison.
	<p>Decision.—In the above case, the full sentence having been completed with; and whereas, during the time for which he was imprisoned, the said Woodward behaved in a quiet, orderly and industrious manner, and secured the good wishes and kind regards of the officers of the prison, so as to have received a certificate of good conduct and a recommendation for Executive clemency. Let him be restored to citizenship. March 5, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
433 .....	Leonard L. Tufts...	Forgery.....	San Francisco	7 years.....	Good conduct during his imprisonment.	Officers of the State Prison.
	<p>Decision.—Whereas, the County Judge of the County of Marin, has, upon petition, duly presented, granted a writ of "Habeas Corpus," and upon the return thereof, and after due consideration, discharged the said Tufts from the custody of the officers of the said prison, upon the grounds that his said imprisonment was illegal: And whereas, for the purpose of more effectually satisfying the ends of justice, and in consequence of the uniform good conduct of said Tufts while in prison, I herebyardon the said Leonard L. Tufts, and order that he be restored to all the rights and privileges of citizenship. March 6, 1861.</p>					

# RESTORATIONS TO CITIZENSHIP—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1874.....	James Skelton.....	Forgery.....	Yuba.....	1 year.....	Good conduct during imprisonment.	Hon. C. E. DeLong; Officers of State Prison.
	<p>Decision.—Whereas, the said Skelton has served out the full term of his sentence, and conducted himself in an orderly, quiet, and industrious manner, so as to have received a recommendation from all the officers of the prison, asking for his restoration to the rights of citizenship, and many citizens of respectability and character, of Yuba County, petition for his pardon; Therefore, let him be restored to citizenship. March 11, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
1855.....	Philip Leggett.....	Assault with a deadly weapon.	Santa Cruz...	1 year and \$500 fine...	That the offence was committed whilst he was intoxicated and under considerable provocation; he has shown repentance and sorrow for his crime, and that his conduct in prison has been good.	John T. Porter, John McElroy, James Bremen and numerous other citizens of Santa Cruz County.
	<p>Decision.—Whereas, the said Leggett has served faithfully in the State Prison, the full term of his imprisonment, and the officers certify to his good conduct; and whereas, a large number of respectable citizens of the County of Santa Cruz have petitioned for his pardon and a remission of the fine imposed; Therefore, by authority of the power in me vested, let him be restored to citizenship, and the fine of \$500 be remitted. April 4, 1861.</p>					

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
357.....	Peter Nicholas.....	Murder.....	Tuolumne.....	7 years.....	That he has faithfully served out his full term of imprisonment, and that his conduct has been good, as certified to by the officers of the State Prison, and by restoring him to citizenship, the encouragement and hope of a future honorable life will be extended to him.	John F. McCauley, Millikin Brothers, John Schade, H. H. Hartley.
	<p>Decision.—Whereas, at the February term, A. D. 1834, of the District Court held in and for the County of Tuolumne, Peter Nicholas was tried and convicted of the crime of murder, and sentenced to be hung, and said sentence was commuted by the then Governor, (Bigler,) to undergo an imprisonment in the State Prison for the term of seven years; and whereas, during the imprisonment of said Nicholas, his conduct has been good, as testified to by the officers of the prison; and whereas, a large number of respectable citizens of the County of Tuolumne have petitioned for the pardon of said Nicholas, and for the purpose of giving encouragement and the hope of an honorable life in the future, let him be restored to citizenship. April 4, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
1862.....	John Kean.....	Forgery.....	Napa.....	1 year.....	(Good conduct during his full term of imprisonment.	Officers of State Prison.
	<p>Decision.—Whereas, the said Kean has fully served out his sentence, and secured by good conduct the certificate of the officers of the prison, recommending that he be restored to citizenship, therefore, let him be restored to citizenship. April 19, 1861.</p>					

# RESTORATIONS TO CITIZENSHIP—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1931.....	Edward R. Jones.....	Assault to murder El Dorado.....	El Dorado.....	1 year.....	That the assault was committed under great provocation, and, to a certain extent, justifiable, and that he has faithfully served out his full term of sentence in a correct manner.	S. W. Sanderson, District Attorney El Dorado County; W. J. Barnell, Sheriff El Dorado County; J. J. Williams, Hon. John Conness, Hon. James Johnson, W. A. January.
	<p>Decision.—Whereas, representations are made by reliable citizens, that the offense was committed by said Jones under great provocation, and therefore, to a certain extent, justifiable; and, whereas, the certificate of the officers of the State Prison bears evidence to his excellent conduct during his confinement, and his term of sentence having nearly expired, let him be pardoned; do take effect on the 12th day of July, 1861, the date of the expiration of his sentence. July 11, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
.....	Daniel Dooling.....	Assault with intent to do bodily injury.....	Nevada.....	150 days in State Prison, or \$200 fine.....	That the fine imposed has been paid, and the desire to remove all doubts as to his forfeiture of citizenship.	Hon. David Redden, County Judge Nevada County; E. W. Muslin, District Attorney.
	<p>Decision.—The said Dooling has paid the fine aforesaid, as appears by the certificate of the Clerk of the County of Nevada, now on file; and, whereas, it has been represented to me, that, in order to remove all doubts, and the better to assure the rights of citizenship of the said Dooling, that Executive clemency be exercised by granting a pardon to him; let him be restored to citizenship. July 25, 1861.</p>					



No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2013.....	Juan José Chapman	Assault to Murder	Los Angeles.	1 year .....	That he has faithfully served out the full term of his imprisonment in a proper and correct manner, as shown by the officers of the State Prison.	C. E. Thom ; Officers of State Prison.
	<p>Decision.—Whereas, said Chapman has faithfully served out the full term of his imprisonment for which he was sentenced, and has conducted himself in an exemplary manner, as shown by the certificate of the officers of the prison, now on file in this office, and believing that the punishment inflicted by the law has effected a thorough reformation, and that his restitution to citizenship will be an incentive for further good behavior, therefore, let him be restored to citizenship. October 9, 1861.</p>					
No. of Commitment.	Name.	Crime.	County.	Sentence.		
2134.....	Andrew McNeely....	Assault with a deadly weapon.	El Dorado.....	6 months.....	That he has faithfully served the full term of his imprisonment in a correct and proper manner, as shown by the certificate of the officers of the State Prison.	Hon. O. Harvey, State Senator El Dorado County ; Hon. Wm. B. Dickin- son, State Senator El Dorado County ; Hon. John Conness, Assemblyman El Dorado County ; Hon. Alex. Hunter, Assemblyman El Dorado County, and the balance of the Delegation ; also, numerous citizens of El Dorado County.
	<p>Decision.—Whereas, said McNeely has faithfully served the full term of imprisonment ; and as the officers of the prison certify, as by certificate on file in this office, to the good conduct of the prisoner while under their charge ; and fully believing that his restoration to citizenship will be an incentive to future good behavior, therefore, let him be restored to citizenship. October 9, 1861.</p>					

## RESTORATIONS TO CITIZENSHIP —Continued

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1941 .....	John E. Haight.....	Assault with a "San Luis Obispo" doggy weapon."	San Luis Obispo.....	6 months.....	Good conduct during his full term of imprisonment to which he was sentenced.	George W. Kritzer; Officers of State Prison.
	<p>DECISION.—It has been certified to me by the officers of the State Prison that the said John E. Haight was distinguished, while in confinement there, for good conduct, and that he has served out his term of sentence; and considering the offence and the limited extent of the punishment; and the good conduct of the prisoner as well as his social connections, I have thought best to restore him to the rights of citizenship forfeited by said conviction. Let him be restored to citizenship. November 19, 1861.</p>					

Total Number of Restorations to Citizenship.....14

Indefinite leave of absence was granted to Mr. Merritt.

On motion of Mr. Rhodes, at five minutes past twelve o'clock the Senate took a recess until five minutes of one o'clock.

#### REPORT.

Upon reassembling, Mr. Denver, from the special committee on mileage, made the following report:

Mr. PRESIDENT:—The Committee on Mileage report the following as the distances and amounts to which the Lieutenant-Governor and Senators are entitled for mileage at the present session:

DENVER,  
GALLAGHER,  
GASKILL,  
Committee.

Names.	Miles.	Amount.
Chellis .....	556	\$111 20
Baker.....	530	106 00
Banks.....	234	46 80
Bogart .....	1580	316 00
Burnell.....	110	22 00
Chamberlain.....	140	28 00
Crane.....	338	67 60
Denver.....	100	20 00
De Long.....	100	20 00
Doll.....	370	74 00
Gallagher.....	164	32 80
Gaskill .....	220	44 00
Harvéy.....	109	20 00
Harriman.....	150	30 00
Hathaway.....	234	46 80
Hill .....	280	56 00
Holden.....	410	82 00
Irwin .....	359	70 00
Kimball.....	260	52 00
Kutz .....	140	28 00
Lewis.....	180	36 00
Merritt.....	390	78 00
Oulton .....	900	180 00
Parks.....	136	27 20
Pacheco .....	940	188 00
Perkins.....	234	46 80
Porter.....	520	104 00
Powers.....	220	44 00
Quint.....	250	50 00
Rhodes.....	336	67 20
Shafter .....	234	46 80
Soule.....	234	46 80
Shurtleff.....	450	90 00
Van Dyke.....	780	156 00

Names.	Miles.	Am-out.
Vineyard .....	1520	\$304 00
Warmcastle.....	200	40 00
Watt.....	130	26 00
Williamson .....	250	50 00

Adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 9th, 1862. }

Mr. PRESIDENT :—I am directed to inform you that the Assembly is ready to meet the Senate in Joint Convention for the purpose of canvassing the votes for Governor and Lieutenant-Governor.

JOHN SEDGWICK,  
Clerk Assembly.

The Senate proceeded to the Assembly Chamber for the purposes specified in the above message.

IN JOINT CONVENTION.

Both Houses of the Legislature met in Joint Convention.

Hon. J. McM. Shafter, President pro tem., and Hon. Geo. Barstow, Speaker of the Assembly, presiding.

A quorum of both Houses being present, the Convention proceeded to canvass the votes for Governor and Lieutenant-Governor, so far as they had been received.

The returns of several counties not having been received by the Speaker of the Assembly, on motion of Mr. Bell, of the House, a committee of three was appointed to wait on the Secretary of State and request him to send to the Convention the returns of such counties.

Messrs. Bell, of the House, and Crane and Parks, of the Senate, were appointed as the committee, and soon after reported that the Secretary of State would be present in a moment with the necessary returns—which were duly received.

The result of the canvass of the votes was as follows :

FOR GOVERNOR.

For John Conness.....	30,944
For John R. McConnell.....	32,782
For Leland Stanford.....	55,935
Total .....	119,661



The result of the canvass of the returns sent to the Speaker of the Assembly, and by him opened and published, was as follows :

For John Conness.....	22,150
For John R. McConnell.....	21,997
For Leland Stanford.....	40,118
Total.....	84,265

The result of the canvass of the supplemental returns received from the Secretary of State, was as follows :

For John Conness.....	8,794
For John R. McConnell.....	10,875
For Leland Stanford.....	15,817
Total.....	35,396

Leland Stanford having received the largest number of votes, was declared duly elected to the office of Governor of the State of California.

#### FOR LIEUTENANT-GOVERNOR.

For Richard Irwin.....	34,479
For Jasper O'Farrell .....	32,356
For J. F. Chellis.....	52,497
Total .....	119,332

The result of the canvass of the returns sent to the Speaker of the Assembly, was as follows :

For Richard Irwin.....	24,475
For Jasper O'Farrell .....	21,631
For J. F. Chellis.....	37,850
Total .....	83,956

The result of the canvass of the supplemental returns received from the office of the Secretary of State, was as follows :

For Richard Irwin.....	10,004
For Jasper O'Farrell .....	10,725
For J. F. Chellis.....	14,647
Total .....	35,376

J. F. Chellis having received the largest number of votes, was declared duly elected to the office of Lieutenant-Governor of the State of California.

The object of the Convention having been accomplished, it was adjourned *sine die*.

J. McM. SHAFTER.

President pro tem. of the Senate.

IN SENATE.

Senate again convened.

President pro tem. in the Chair.

Roll called.

Quorum present.

Mr. Perkins offered a concurrent resolution, relative to the appointment of a committee to wait upon the Governor and Lieutenant-Governor to make arrangements relative to their inauguration.

Adopted.

Messrs. Perkins, Harvey, and Warmcastle, were appointed as such committee.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER. }  
January 9th, 1862. }

Mr. PRESIDENT :—I am directed, by a vote of the Assembly, to announce to the Senate the concurrence of the Assembly in the Senate concurrent resolution No. 4, and to state that the Speaker has appointed Messrs. Ferguson, Fay, and O'Brien, as members of the Joint Committee to wait upon the Governor and Lieutenant-Governor elect.

W. N. SLOCUM,  
Assistant Clerk.

On motion of Mr. Quint, at a quarter past four o'clock the Senate adjourned until to-morrow at eleven o'clock, A. M.

J. McM. SHAFTER.

President pro tem. of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 10th, 1862. }

Senate met pursuant to adjournment.

Roll called.

Absent—Messrs. Thomas, Vineyard, and Watt.

Quorum present.

Senate opened with prayer by Rev. Mr. Charlton.

Journal of yesterday read and approved.

Mr. Perkins made the following report:

MR. PRESIDENT:—The Joint Select Committee appointed to wait upon the Governor and Lieutenant-Governor elect, and ascertain at what time they desire the ceremonies of inauguration to be performed, and to arrange for the same, have attended to the duty assigned them, and report, that the Governor and Lieutenant-Governor elect were pleased to say that they would be ready to be inaugurated this day, (Friday, January tenth,) at twelve o'clock, noon, and that your committee have fixed upon said hour for their inauguration, to take place in the Assembly Hall.

All of which is respectfully submitted.

R. F. PERKINS,

O. HANEY,

F. M. WARMCASTLE,

Senate Committee.

Mr. Warmcastle introduced a concurrent resolution relative to meeting in Joint Convention to assist at the ceremonies of inauguration of the Governor and Lieutenant-Governor elect.

Adopted.

Mr. De Long, by leave, introduced a bill for an Act concerning the swamp and overflowed, and salt marsh and tide lands, donated to the State of California by Act of Congress, and concerning the Board of Commissioners for the reclamation of the swamp and overflowed lands belonging to the State.

On motion of Mr. Perkins, the above bill was laid temporarily upon the table.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 9th, 1862. }

MR. PRESIDENT:—The Assembly this day passed Senate bill No. 1, entitled an Act to appropriate money for postage and express purposes, during the thirteenth session of the Legislature;

Also, adopted Senate concurrent resolution No. 2, relative to Fireman;

Also, concurred in Senate concurrent resolution No. 3, relative to the appointment of Extra Porter for rear of the State House, after adopting an amendment in which they ask the Senate to concur.

W. N. SLOCUM,

Assistant Clerk.

The Senate refused to concur in the Assembly amendment to the concurrent resolution above reported.

On motion of Mr. Rhodes, a special committee consisting of three was appointed, on Enrolled Bills.

Messrs. Rhodes, Van Dyke, and Lewis, were appointed such committee.

On motion of Mr. De Long, Senate bill for an Act concerning swamp and overflowed, and salt marsh and tide lands, donated to the State of California, was taken from the table and was referred to a special committee of five.

Messrs. Parks, Soule, Harriman, Vineyard, and Kutz, were appointed such committee.

Mr. Denver, from special committee on Mileage, submitted a report in reference to the mileage of Hon. Pablo De la Guerra.

On motion of Mr. Burnell, the same was recommitted.

At twelve minutes of twelve o'clock, on motion of Mr. Irwin, the Senate took a recess until five minutes of twelve o'clock.

Upon reassembling, the following message was received from the Assembly:

#### FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, }  
January 10th, 1862. }

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly have concurred in Senate resolution No. 7, relative to Joint Convention.

W. N. SLOCUM,  
Assistant Clerk.

On motion of Mr. Irwin, at twelve o'clock the Senate proceeded to the Assembly Chamber for the purposes specified in the above message.

#### IN JOINT CONVENTION.

Senate met in Joint Convention with the Assembly.

The oath of office was administered to Leland Stanford, Governor elect, and John F. Chellis, Lieutenant-Governor elect, by Hon. E. Norton, Supreme Judge.

After which, the Governor came forward and delivered his

#### INAUGURAL ADDRESS.

*Gentlemen of the Legislature, and Fellow Citizens:*

With a radical change in the political character of the new Administration, from that of its predecessors, there seems to be, in assuming the responsibilities of the Chief Executive of the State, a special fitness that I should observe the custom which has heretofore obtained, and give a brief exposition of the general policy that will govern my Administration.

The Constitution enjoins upon the Legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. In aid of all these, I shall regard it as my imperative duty to co-operate.

It is the policy of the General Government, as it is of the State, to



encourage settlements upon lands belonging to the public, and in furtherance of such policy, liberal inducements are offered. Yet, under the ruling of our Courts, the Settler, who has gone in good faith upon private lands, not segregated, supposing them to be public, and in fact even when upon the public domain, may yet be dispossessed by one whose only claim is that he owns lands within boundaries that include the property in question. That a person who owns or claims but one league of land, should be able to hold, control, and dispossess others from a hundred leagues, is not only manifestly unjust to individuals, but is also to the great detriment of Agriculture and the settlement and development of the resources of the State. I cannot but think that some legislation should be had whereby the Settler, who in good faith has gone upon private lands, not segregated from the public domain, under the supposition that he was locating upon lands belonging to the Government, should receive such equitable protection as the State is able to give.

While the settlement of our State is of the first importance, the character of those who shall become settlers is worthy of scarcely less consideration. To my mind it is clear, that the settlement among us of an inferior race is to be discouraged, by every legitimate means. Asia, with her numberless millions, sends to our shores the dregs of her population. Large numbers of this class are already here; and, unless we do something early to check their immigration, the question, which of the two tides of immigration, meeting upon the shores of the Pacific, shall be turned back, will be forced upon our consideration, when far more difficult than now of disposal. There can be no doubt but that the presence of numbers among us of a degraded and distinct people must exercise a deleterious influence upon the superior race, and, to a certain extent, repel desirable immigration. It will afford me great pleasure to concur with the Legislature in any constitutional action, having for its object the repression of the immigration of the Asiatic races.

The subject of overland communication, and protection to immigrants from the Atlantic States, has ever engaged the attention of our people. The importance of the subject has not been lessened by time. Upon the nature of our overland communication with the older States may depend the course of the great and vastly important trade of the Eastern world. In this connection, I desire to call attention to the importance of steam communication between California and Eastern Asia, whereby the whole course of our treasure shipments would probably be changed, and, in paying the debts due from the commercial world to this far-off land, the course of exchange, instead of being against us, would probably be in our favor. And, in case of a war with a maritime power, the importance of an established line of American steamers between California and Asia could not be over-estimated. I think, therefore, we are fully warranted, independently of considerations connected with our overland communications, in calling the attention of the National Government to the necessity of such a line of steamers to the country at large as well as to California.

Within a short time, the Territory of Nevada has sprung into great importance; her vast, undeveloped wealth will attract, and give employment to, an immense population of industrious and thriving people, ensuring her a brilliant and important destiny. From California, she will necessarily derive the most of her supplies. The most difficult link of the Pacific and Atlantic Railroad, which must pass through this Territory, lies in our State.

It is not necessary, at this late day, to go into a general argument to

prove the importance of a railroad connecting the Pacific and Atlantic Oceans. Especially now, when its military necessity is so much more than ever apparent. I allude to it chiefly, because I think the time has arrived when, in consequence of local business, the most difficult and important part of the work can be accomplished without direct pecuniary aid from the National Government. May we not, therefore, with the utmost propriety, even at this time, ask the National Government to donate lands and loan its credit in aid of this portion of that communication, which is of the very first importance, not alone to the States and Territories west of the Rocky Mountains, but to the whole Nation, and is the great work of the age?

It cannot have escaped the attention of those who are familiar with the timber regions of the State, that there is great and unnecessary waste of our statefy forests. It is doubtful whether these lands or the timber upon them, can ever be of any considerable avail to the General Government. In consideration of the vast importance to our State that the timber should be preserved from waste, if deemed desirable, it would not, I believe, be asking too much of the General Government, to solicit from her the cession of those lands. I therefore respectfully suggest to the Legislature, for consideration, the propriety of petitioning the National Government for the cession of its proprietary right in those lands, the proceeds of which, when sold, to be devoted to the fostering of education and the support of eleemosynary institutions and works of internal improvement.

No one, I think, who has carefully considered the subject, would desire any disturbance of our present system of Mining laws and regulations, save only as they may apply to those races whose settlement among us is not desirable. It might therefore be well, to prevent a possible agitation of the subject, for the General Government, in case of a cession of these timber lands, to reserve the minerals they contain. And here I desire to enter my protest against any attempt, on the part of the General Government, to restrict, or interfere in any manner with, the working of our mines, as impolitic and disastrous in the extreme.

In the late election, one of the prominent ideas before the people was the necessity of retrenchment in the public expenditure. This is essential to avoid the burden of unnecessary expense to the people, as also in the beneficial influence of example. For this purpose I shall heartily co-operate with the legislative branch of the Government. Upon its action very much depends, and I feel confident in this respect, as in all others, the Legislature will fully meet the just expectations of the people.

While a close economy in the expenditure of public moneys should be practiced, the people will not desire a mean and narrow spirit, in withholding appropriations that shall be really for the promotion of the general welfare. It should not be so much a question of how little only we need appropriate to keep the wheels of State in motion, but how wisely our resources shall be expended. Let us always practice a rigid economy in the public disbursements, but with a generous embrace of whatever will tend to make wiser, better, and happier, the people.

It is a reproach to any State that it fails to be liberal in its protection of the unfortunate, who are proper objects of public charity, and dangerous to neglect the education of the rising generation. Let our appropriations for charitable and educational purposes be of that munificent character that will reflect credit upon us as a people benevolent and wise. Upon the intelligence and education of the masses the hopes of a

democratic sentiment can alone find a certain and reliable basis. We know to-day there would be no armed resistance and unlawful appeal from the will of the majority, convulsing the country, had the minority been possessed of proper information as to the objects and purposes of the majority. It was this want of correct information among the masses where this most iniquitous rebellion that now troubles the land first found foothold, that caused the people in those sections to become the willing though blind instruments to serve the purposes of the selfish and aristocratic sentiment that would destroy our republican government.

Among all people in free and civilized nations, in greater or less activity, are to be found two antagonistic ideas. The one is, that every citizen is of right the equal, politically, of his fellow citizen, and should be permitted the enjoyment and protected in the exercise of that right; the other, that he does not possess this right, and that he ought not to be permitted its enjoyment, nor protected in its exercise. I regard the struggle that is now convulsing our country as one for predominance between these two antagonistic ideas. To a greater or less extent, there has been a steady conflict between them since the formation of our Government, but not always so active as to attract the recognition of the unobservant, and, in fact, often too obscure even for the observance of the vigilant. But the conflict has, none the less, surely existed, though it is only of late years that the struggle assumed proportions such as to alarm any considerable number of those who believed in the people, and that the majority should rule.

Out of a just appreciation of this struggle, and the source from which it sprung, and the means by which the anti-democratic or aristocratic side was maintained, arose the party that placed the present National Administration in power, which, representing truly the cardinal principles of that party, is now striving, with a true conservatism, to preserve the guarantees of the Constitution, and maintain the original idea upon which the revolutionary struggle was fought by our fathers, and implanted in the organization of our Government, and supported in all its vigor by the Republican administrations of Jefferson, Madison, and Monroe.

The Union-loving and intelligent democratic sentiment of the people, which is to-day arrayed against the gigantic insurrection, or armed refusal of the minority to abide the decision of the majority, finds itself ably represented in the National Administration, to whom, in this time of trial and peril, the helm of State is so fortunately entrusted. Upon the one mighty issue, of which alone the people care to take cognizance, all true Union-loving democratic citizens should unite in one party, for the maintenance of their side of that issue.

Political parties will always exist in all free governments. There they have ever been recognized by the wisest, the ablest and best; while in despotic governments, they have little or no existence. Recognizing these facts, while the party, to whose confidence and partiality I am mainly indebted for the high position, the duties of which I have this day solemnly sworn to discharge, remains true to the cause of the people—I shall not ignore or forget its existence, but rather ask that all who agree with its cardinal and truly conservative principles, shall unite to put down the enemies of free government, and bear aloft the emblem of our nationality, and of the hopes of the freedom-loving throughout the world.

California has nobly and wisely pronounced in favor of the cause of  
13SEN



the people. Let her prove her devotion to the Union and to civil liberty, by doing all in her power to maintain both. Let her part of the National Tax be cheerfully assumed, and provision be made for its payment out of the State Treasury. Every one of us should feel that we are but guardians, holding our lives and our fortunes in trust, for the protection of the Government, around which cluster the anxious hopes and fears of millions who have grown with its growth and strengthened with its strength.

Our Government is emphatically one of the people; possessing all the power of the people for their protection and defence, but powerless for their oppression. It is not only the best, but it is the strongest form of Government the world has ever known. Let it remain unchanged.

The citizens of California are by birth the representatives of all parts of the Union, and are naturally imbued with more or less of local sympathies. Let us be as tolerant and charitable of opinion as possible, but none should ever forget that California is one of the United States—that she is loyal to the Union, that her citizens have quite recently unmistakably declared their devotion to our national unity, their recognition of the supremacy of the National Government, and their determination to maintain both inviolate.

Every citizen of California must remember his duty, and, remembering, discharge it faithfully. His fellow citizens are now in the field, armed against traitors and treason, and for the preservation of the Union and the National Government. The whole power of the State should, if necessary, be wielded, to encourage, support, and sustain these patriotic citizens and their compatriots. Let treason meet a just and speedy punishment; and may we soon, as I doubt not we shall, see peace restored to our beloved Union, our institutions more firmly implanted than ever, and sustained by a national sentiment that shall pervade every section of our country.

The new Administration enters upon the discharge of its duties at a momentous period of our nation's history. I confidently trust there will be concert of action in all the departments of our State Government, to strengthen the arm of the Federal power, and also in whatever will tend to advance the interest of our State.

For my part, I shall at all times be guided by an anxious desire to administer the affairs of State with a mind free from party or personal prejudice, and with a purpose single to the faithful and conscientious discharge of the exalted trust committed to my care by a generous and confiding people.

In this, the hour of our nation's peril, let us invoke the care and protection of Him : who doeth according to His will in the army of Heaven and among the inhabitants of the earth." And may a kind Providence continue to our State the bounties and blessings so richly bestowed in the past, and may we endeavor as a people to render ourselves worthy of being their recipient in the future.

#### IN SENATE.

On motion of Mr. Hill, a committee of three was appointed to wait upon Lieutenant-Governor Chellis, and conduct him to the Chair.

The following gentlemen were appointed as such committee: Messrs. Hill, Hathaway, and Pacheco.

The Lieutenant-Governor elect then came forward, and, on assuming the Chair, made the following remarks :



## ADDRESS OF LIEUTENANT-GOVERNOR CHELLIS.

SENATORS :—We have been selected from the body of the people as their representatives; you to legislate for them, and myself, as one of the incidents of my position, to preside over your deliberations.

Elected to honorable positions, we have taken upon ourselves responsible duties, the importance of which you all doubtless fully realize, and to the faithful discharge of which we should devote our time, our abilities, and our most earnest endeavors.

With you rests the obligation of a careful revision of laws already existing, and the enactment of others, to meet the wants and requirements of the people.

You are to consider and determine upon such matters of legislation as are calculated to promote the welfare, prosperity, and honor of California—bearing always in mind, that we are a part of that Union, which, in its sovereign capacity, controls the destiny, protects the interests, and guards the liberties of a great nation.

Whether that disloyal and lawless spirit, which now so unfortunately disturbs the peace of our beloved country, shall extend its baneful influence to our shores; whether it shall receive any degree of countenance or support from California, will, in a great measure, depend upon your acts as a legislative body. The people who have selected you for the position you now occupy, expect that, by your legislation, you will do all in your power to aid the Federal Government in the suppression of the existing rebellion, and to omit that duty would be to misrepresent a most loyal people. California is bound by every tie of gratitude, every incentive of interest and consideration of honor, to do all in her power to sustain the Union in its struggle to maintain its integrity, and uphold the laws and Constitution of our country.

To you, Senators, is entrusted the consideration of such laws as may be necessary to protect the interests of our State, develop her resources, and contribute to the dignity and happiness of the people.

Our geographical position, our relations to the commerce of a great ocean, our nearness to the oriental trade and millinary population of another continent, the peculiar character of our people, together with their varied interests, render legislation somewhat difficult, and always require the exercise of the utmost caution and prudence in the deliberation of means best adapted to the public good.

Let us hope that a short session, characterized by economy, may enable us to properly dispose of the business entrusted to our care. As your deliberations will become a part of the history of California, I cannot doubt that you will unite with me in the endeavor that our actions may be harmonious, and governed by motives of integrity and patriotism.

While some of you have had legislative experience in times past, here are many, I presume, who have been called from the various vocations of life to a field of untried labors. This, perhaps, is more particularly my own case, but guided by well settled precedents of legislative action, aided by such rules as you may deem proper to adopt, and animated by a sincere desire to perform the duties of my office with fidelity to the people, and with strict impartiality toward each of you, relying upon you as gentlemen, to assist me in my novel position, I enter cheerfully upon the discharge of my duties as your presiding officer.

## RESOLUTION.

Mr. Irwin offered a concurrent resolution relative to printing five thousand copies of the Governor's Inaugural Address, and five thousand copies of the Annual Message of Governor Downey.

Adopted.

Mr. Denver, by leave, introduced a bill for an Act for the relief of Pablo De la Guerra.

Read first and second times, considered in Committee of the Whole, rules suspended, considered engrossed, read third time, and passed.

Mr. Rhodes was granted indefinite leave of absence.

Mr. Shurtleff moved to adjourn until Tuesday next, at eleven, A. M.

Mr. De Long moved to amend, by inserting to-morrow, at eleven, A. M., which motion prevailed, and at twenty minutes past twelve o'clock the Senate adjourned to the hour above named.

J. F. CHELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, January 11th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Absent—Messrs. Thomas, Vineyard, and Watt.

Prayer by Rev. Dr. Peck.

On motion of Mr. Gallagher, the reading of the Journal of yesterday was dispensed with.

## RESOLUTIONS.

Mr. Shurtleff introduced the following resolution :

*Resolved*, That one week's pay be allowed C. W. Tozer, R. K. Weston, and Marcus D. Boruck, as Secretary, Assistant Secretary, and Minute Clerk, during the organization of the Senate.

On motion of Mr. Gaskill it was referred to a special committee, consisting of Messrs. Gaskill, Harvey, and Gallagher.

Mr. Porter introduced the following concurrent resolution :

*Resolved*, By the Senate, the Assembly concurring, that this Legislature, when it adjourns this day, do adjourn until Monday, the twentieth instant, to meet in the city of San Francisco, there to remain during the remainder of the present session, at such place as may be provided, and that a committee of three on the part of the Senate be appointed to act with a like committee on the part of the Assembly, whose duty it shall be to procure and cause to be fitted up, proper apartments for this Legis-

lature and the attachés thereof, and shall remove thereto all the property and appurtenances belonging to this Legislature.

Mr. Heacock moved to amend the above concurrent resolution by striking out all after the words "Monday, the twentieth instant."

Upon which the ayes and noes were demanded by Messrs. Heacock, De Long, and Parks, and taken with the following result: ayes 13—noes 19:

AYES—Messrs. Banks, Burnell, Doll, Gallagher, Harvey, Heacock, Lewis, Nixon, Parks, Powers, Quint, Shurtleff, and Williamson—13.

NOES—Messrs. Bogart, Chamberlain, Crane, De Long, Gaskill, Harriman, Hathaway, Hill, Holden, Irwin, Kimball, Kutz, Oulton, Pacheco, Perkins, Porter, Soule, Van Dyke, and Warmcastle—19.

Mr. Heacock moved to lay the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. Heacock, Nixon, and Parks, and the motion was lost by the following vote: ayes 13—noes 20:

AYES—Messrs. Banks, Burnell, Doll, Gallagher, Harvey, Heacock, Lewis, Nixon, Parks, Powers, Quint, Shurtleff, and Williamson—13.

NOES—Messrs. Baker, Bogart, Chamberlain, Crane, De Long, Gaskill, Harriman, Hathaway, Hill, Holden, Irwin, Kimball, Kutz, Oulton, Pacheco, Perkins, Porter, Soule, Van Dyke, and Warmcastle—20.

Mr. Gaskill offered the following as a substitute for the resolution:

*Resolved*, By the Senate, the Assembly concurring, that the Legislature immediately proceed to the consideration of the General Appropriations for the ensuing year, and, on Wednesday next, January fourteenth, adjourn *sine die*.

The President pro tem. decided that the substitute was in order.

From which Mr. Irwin appealed, and the decision of the Chair was overruled.

Mr. Porter moved the previous question.

Sustained.

Upon the adoption of the resolution, Messrs. Heacock, Lewis, and Perkins demanded the ayes and noes, and it was adopted by the following vote: ayes 20—noes 13:

AYES—Messrs. Baker, Bogart, Chamberlain, Crane, De Long, Gaskill, Harriman, Hathaway, Heacock, Hill, Irwin, Kimball, Kutz, Oulton, Pacheco, Perkins, Porter, Soule, Van Dyke, and Warmcastle—20.

NOES—Messrs. Banks, Burnell, Doll, Gallagher, Harvey, Holden, Lewis, Nixon, Parks, Powers, Quint, Shurtleff, and Williamson—13.

Mr. De Long moved to reconsider the vote just taken.

Lost.

Messrs. Porter, Soule, and De Long, were appointed a committee in accordance with the resolution just passed, on the part of the Senate.

Mr. Kutz made the following report:

Mr. PRESIDENT:—We, the undersigned, a majority of your special committee, to whom was referred Senate bill No. 2, having had the same under consideration, report the same back and recommend its passage.

KUTZ,  
HARRIMAN,  
SOULE.

Mr. Warmcastle moved to recommit.

Mr. Parks moved a call of the Senate.

Carried.

The following Senators were absent:

Messrs. Banks, Bogart, Denver, Doll, Gallagher, Gaskill, Harriman, Hill, Irwin, Pacheco, Perkins, Van Dyke, and Williamson.

The Sergeant-at-Arms was dispatched for the absentees.

On motion, further proceedings under the call were dispensed with.

Mr. Denver moved to recommit the report.

Carried.

#### RESOLUTIONS.

Mr. Oulton offered the following resolution:

*Resolved*, That Alphonzo B. Smith be allowed one week's pay for services as Post Office Page of the Senate, at a per diem of four dollars.

Referred to special committee consisting of Messrs. Gaskill, Gallagher, and Harvey.

Mr. Lewis offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate be instructed to immediately communicate with the proper officers of the California Steam Navigation Company, and inform them of the action of this body relative to a temporary adjournment to San Francisco, and request them to delay the departure of their steamer until the resolution shall be finally disposed of.

Adopted.

On motion of Mr. Crane, a recess was taken until half past one o'clock.  
P. M.

#### SENATE REASSEMBLED.

President in the Chair.

Messrs. Parks and Doll were granted indefinite leave of absence.

The President announced the following appointments:

John Duffy.....	Porter.
L. B. Drew.....	Porter.
D. B. Brower.....	Page.
Thomas Flint.....	Page.
William Bryant.....	Paper-Folder.
Grove Hunt.....	Assistant Paper-Folder.

On motion of Mr. Irwin, the appointments were concurred in by the Senate.

On motion of Mr. Irwin, the Senate took a recess of half an hour.



## SENATE REASSEMBLED.

Mr. Powers offered the following resolution :

*Resolved*, That Master Fred. Stewart be and is hereby allowed one week's pay, for services rendered as Page of the Senate—to be paid out of the Contingent Fund of the Senate; and that the Sergeant-at-Arms be authorized to draw his warrant to that effect.

On motion of Mr. Burnell, referred to special committee, consisting of Messrs. Gaskill, Gallagher, and Harvey.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
Sacramento, January 11th, 1862. }

*To the Honorable the Senate of California :*

I have this day appointed Wm. E. Brown Private Secretary to the Governor. All communications from this department will be presented to your honorable body through him.

LELAND STANFORD.  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
Sacramento, January 11th, 1862. }

*To the Honorable the Senate of California :*

I hereby nominate and appoint Wm. H. Weeks Secretary of State, and ask the concurrence of the Senate therein.

LELAND STANFORD.  
Governor.

Mr. Gaskill, chairman of special committee, submitted the following report :

MR. PRESIDENT:—Your committee, appointed for the purpose of examining certain accounts of persons who have served as attaches of the Senate, beg leave to report the following sums as just and proper to be paid :

Names.	Number days.	Per Diem.	Amount.
C. W. Tozer.....	4	\$8	\$32
R. K. Weston.....	7	8	56
M. D. Boruck.....	7	8	56
A. B. Smith.....	6	4	24

R. C. GASKILL,  
Chairman.

Adopted.

Mr. De Long introduced the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby empowered and instructed to procure one or more boats and have the same in readiness for the transportation of members of this Senate and attachés throughout the city of Sacramento during the prevalence of the present flood, and that he agree upon the price per hour before services are rendered.

Adopted.

The annual report and accompanying documents of the Superintendent of Public Instruction were received, and by consent temporarily laid on the table.

On motion of Mr. Irwin, at twenty minutes past three o'clock the Senate adjourned to Monday next, at eleven o'clock, A. M.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 13th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Prayer by Rev. Dr. Phelps.

Mr. Pacheco asked for indefinite leave of absence for Mr. Hill.

Granted.

Mr. Hathaway asked for indefinite leave of absence for Messrs. Shafter and Soule.

Granted.

The President announced the following Standing Committees :

### ON JUDICIARY.

Messrs. Rhodes, Crane, Merritt, Kutz, Harvey, De Long, and Shafter.

### ON MILITARY AFFAIRS.

Messrs. Van Dyke, Perkins, Pacheco, Shafter, and Gaskill.

### ON FEDERAL RELATIONS.

Messrs. Hathaway, Shurtleff, Powers, Warmcastle, and Burnell.

## ON FINANCE.

Messrs. Perkins, Doll, Porter, Denver, and Kimball.

## ON CLAIMS.

Messrs. Parks, Rhodes, Gallagher, Banks, and Oulton.

## ON ELECTIONS.

Messrs. Kimball, Irwin, Harriman, Crane, and Lewis.

## ON PUBLIC BUILDINGS.

Messrs. Heacock, Burnell, Perkins, Gaskill, Watt, Harriman, and Williamson.

## ON STATE HOSPITALS.

Messrs. Hill, Nixon, Banks, Shurtleff, and Hathaway.

## ON COMMERCE AND NAVIGATION.

Messrs. Soule, Doll, Van Dyke, Chamberlain, and Bogart.

## ON CONTINGENT EXPENSES OF THE SENATE.

Messrs. Irwin, Powers, Vineyard, Shurtleff, and Holden.

## ON MILEAGE.

Messrs. Shurtleff, Baker, and Porter.

## ON STATE LIBRARY.

Messrs. Crane, Nixon, and Holden.

Mr. Oulton moved that the appointment of Assistant Paper Folder be cancelled, and that the office be dispensed with.

Mr. Harvey moved to refer the matter to the Committee on Contingent Expenses.

Mr. Burnell raised a point of order, on the ground that the Senate had confirmed the appointment, and, therefore, the motion was out of order.

The Chair ruled the point of order not well taken.

On motion of Mr. Crane, the whole subject was indefinitely postponed.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
January 13th, 1862. }

Mr. PRESIDENT :—The House on January eleventh passed Senate bill No. 3, for the relief of Pablo De la Guerra ;

Also, concurred in Senate resolution No. 8, relative to printing Governor's message, and inaugural address.

W. N. SLOCUM,

Assistant Clerk.

Mr. Heacock introduced the following resolution :

*Resolved*, That Willie Clarke be allowed one week's pay as Page, payable out of the Contingent Fund of the Senate.

Which, on motion of Mr. Harvey, was referred to the Committee on Contingent Expenses.

#### INTRODUCTION OF BILLS.

Mr. Porter, by leave, introduced a bill for an Act for the relief of sufferers by the flood in Sacramento and its vicinity.

The bill was read first and second times, and on motion of Mr. Burnell, was referred to the Sacramento delegation.

Mr. Shurtleff, by leave, introduced a bill for an Act to provide for improving McInturf's Port in Mendocino County.

Bill read first and second times, and on motion of Mr. Shurtleff, referred to Committee on Commerce and Navigation.

Mr. Burnell moved that the special message of the Governor, in reference to appointments of Secretary of State and Private Secretary to the Governor, be taken from the table, and action taken upon the same.

Mr. Pacheco moved that the message and appointments be made the special order for to-morrow at twelve o'clock, M.

Carried.

#### RESOLUTIONS.

Mr. Hathaway offered the following resolution :

*Resolved*, That the President of the Senate be and is hereby authorized to appoint A. Burgess C. Smith Night Watchman of the Senate chamber, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Mr. Nixon moved to amend by inserting the name of Francis Swift.

Lost.

Mr. Banks offered the following concurrent resolution as a substitute :

*Resolved*, By the Senate, the Assembly concurring, that ——— be and is hereby appointed to act as Night Watchman for the two Houses, at a per diem of four dollars, one half payable out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly.

Lost.

Mr. Irwin moved as a substitute that the President of the Senate appoint a night watchman.

Lost.

Mr. Lewis moved to amend by inserting the name of William Horton.

Lost.

Mr. De Long moved to amend by inserting the name of J. A. Leese.

Lost.

Mr. Vineyard moved to amend by inserting the name of Lewis Almy.

Lost.



The original resolution was then passed.

On motion of Mr. Shurtleff, the concurrent resolution relating to the Pacific Mails was taken from the table and referred to the Committee on Federal Relations.

Mr. Oulton, Chairman of the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined and found correctly enrolled, Senate bill No. 1, an Act to appropriate money for postage and express purposes during the Thirteenth Session of the Legislature.

GEO. OULTON,  
Chairman.

On motion of Mr. Gaskill, at fifteen minutes of twelve o'clock the Senate took a recess for one hour.

#### SENATE REASSEMBLED.

On the Senate's reassembling, Mr. Van Dyke moved that the Senate take a recess until half past two o'clock.

Mr. Burnell moved to adjourn until to-morrow, at eleven o'clock, A. M.  
Lost.

Mr. Pacheco moved a call of the Senate.

Lost.

Mr. Van Dyke then renewed his motion to take a recess until half past two o'clock.

Carried.

#### SENATE REASSEMBLED.

On the Senate's reassembling, Mr. Shurtleff asked leave of absence for Mr. Perkins.

Granted.

Mr. Burnell moved to adjourn until to-morrow at eleven o'clock, A. M.

Mr. De Long moved to amend by taking a recess of one hour, and, upon division being had, it was carried—ayes 14—noes 9—so the Senate took a recess for one hour.

#### SENATE REASSEMBLED.

Upon the Senate's reassembling, Mr. Van Dyke offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, that when the Legislature adjourns, it do adjourn until Tuesday, the twenty-first instant.

Mr. Warmcastle moved to adjourn until to-morrow at eleven o'clock, A. M., and, upon division, it was lost—ayes 10—noes 19.

The question recurring upon the resolution of Mr. Van Dyke, it was carried.

On motion of Mr. Irwin, at ten minutes past four o'clock the Senate adjourned until to-morrow, at eleven o'clock, A. M.

J. F. CHELLIS,  
President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Tuesday, January 14th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Bogart, Thomas, and Watt.

Quorum present.

Prayer by Rev. Wm. H. Hill.

Journal of yesterday read and approved.

The President announced the following additional Standing Committees :

## ON ENROLMENT.

Messrs. Harriman, Porter, Baker, Denver, Van Dyke, and Nixon.

## ON ENGROSSMENT.

Messrs. Burnell, Powers, Doll, Oulton, Kimball, and Quint.

## ON PUBLIC PRINTING.

Messrs. Powers, De Long, Kutz, Lewis, and Heacock.

## ON SWAMP AND OVERFLOWED LANDS.

Messrs. Harvey, Warmcastle, Baker, Chamberlain, and Parks.

Mr. Gaskill made the following report :

MR. PRESIDENT:—Your committee appointed for the purpose of considering the claims of certain attaches of the Senate who served until the permanent organization of this body, beg leave to report, that Fred. Stewart is entitled to six days pay as Page of the Senate, at three dollars per day.

R. C. GASKILL,  
P. A. GALLAGHER,  
Committee.

Adopted.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
January 13th, 1862. }

MR. PRESIDENT:—The Assembly on the eleventh instant refused to concur in Senate concurrent resolution No. 9, relative to adjournment of the Legislature to San Francisco;

And have this day adopted Senate concurrent resolution No. 5, relative to ocean mail between San Francisco and Crescent City.

W. N. SLOCUM,  
Assistant Clerk.

## ASSEMBLY CHAMBER.

January 13th, 1862. }

Mr. PRESIDENT:—The House this day refused to recede from its amendment to Senate concurrent resolution No. 3, and have appointed Messrs. Tilton, O'Brien, and Irwin, a committee of free conference on the part of the House, and ask the appointment of a similar committee on the part of the Senate.

W. N. SLOCUM,  
Assistant Clerk.

Messrs. Heacock, Perkins, and Shurtleff, were appointed a committee of free conference, in accordance with the above.

## INTRODUCTION OF BILLS.

Mr. Harvey introduced a bill for an Act to transfer certain moneys and to create a special fund.

Read first and second times, and upon motion of Mr. Harvey, laid upon the table.

Mr. Gaskill introduced a bill for an Act to transfer certain funds.

Read first and second times, rules suspended, considered in Committee of the Whole, reported back with amendments; amendments adopted. Rules further suspended, considered engrossed, read third time and passed.

Mr. Perkins introduced a bill for an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory of said Act.

Read first and second times, and referred to the Judiciary Committee.

Mr. Heacock introduced a bill for an Act in relation to the collection of delinquent taxes.

Read first and second times, and referred to the Judiciary Committee.

Also, for Act relating to the payment of the salary of the Assistant or Deputy Clerk of the Clerk of the Board of Supervisors of the City and County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

Mr. Harvey introduced a bill for an Act to direct the State Controller in relation to drawing his warrants on the State Treasurer.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Pacheco introduced a bill for an Act to legalize the levy of State and county taxes for the year eighteen hundred and sixty-two, in the County of San Luis Obispo.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

## RESOLUTIONS.

Mr. Heacock offered the following resolution :

*Resolved*, That Senator Gallagher be added to the Committee on Military Affairs.

On motion of Mr. Lewis, the resolution was laid on the table.

Mr. Gaskill offered the following resolution :

*Resolved*, That the name of C. E. De Long be substituted for that of Watt, on the Committee on Public Buildings.

Adopted.

## SPECIAL ORDER.

The Governor's message relative to the appointment of William H. Weeks as Secretary of State.

The appointment was confirmed by the Senate by the following vote :

AYES—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Denver, De Long, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Holden, Kimball, Kutz, Lewis, Nixon, Oulton, Pacheco, Porter, Powers, Quint, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Williamson—28.

NOES—None.

The consideration of the message of Governor Downey, in relation to the appointment of Thos. N. Cazneau as Commissioner of Immigration, was, on motion of Mr. Nixon, made the special order for Tuesday, twenty-first instant, at twelve o'clock, M.

The consideration of the military appointments of Governor Downey, on motion of Mr. Warmcastle, was made the special order for Wednesday, twenty-second instant, at twelve o'clock, M.

## REPORTS.

Reports were made as follows :

By Mr. Harriman :

MR. PRESIDENT :—The Committee on Enrolment have examined and found correctly enrolled, Senate bill No. 3, an Act for the relief of Pablo De la Guerra.

HARRIMAN,  
Chairman.

By Mr. Nixon :

MR. PRESIDENT :—The Sacramento delegation, to whom was referred Senate bill No. 5, an Act for the relief of sufferers in Sacramento and its vicinity, report, that they have had the same under consideration, and recommend that the same be indefinitely postponed.

HEACOCK,  
NIXON.

Report received.

On motion of Mr. Burnell, the bill was indefinitely postponed.

On motion of Mr. Quint, the Secretary of State was requested to trans-



mit to the Senate the papers in the contested election case from Mono County.

On motion of Mr. Gaskill, the Senate, at half past twelve o'clock, took a recess of one half hour.

SENATE REASSEMBLED.

Upon the Senate's reassembling, the following message was received from the Assembly:

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,  
January 14th, 1862. }

Mr. PRESIDENT:—The Assembly this day concurred in Senate concurrent resolution No. 10.

W. N. SLOCUM,  
Assistant Clerk.

Mr. Harvey offered the following resolution:

*Resolved*, That Charles A. Uhrig be and is hereby allowed one week's pay for services rendered as Sergeant-at-Arms of the Senate during the first week of the session.

Referred to Committee on Contingent Expenses.

Mr. Denver presented the following accounts:

STATE OF CALIFORNIA.

*To Michael Heffernan and others, Dr.*

To Michael Heffernan, for 8 days as Porter of the Senate, from the 6th to the 13th of January, 1862, at \$4 per day.....	\$32 00
To T. Viets, for 8 days as Porter of the Senate, from the 6th to the 13th of January, 1862, at \$4 per day.....	32 00
To J. P. Sharkey, for 3 days services as Sergeant-at-Arms of Senate, from the 6th to the 8th of January, 1862, at \$8 per day.....	24 00
Total.....	\$88 00

Referred to Committee on Contingent Expenses.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 14th, 1862. }

Mr. PRESIDENT:—The Assembly have this day passed Senate bill No. 6, an Act to transfer certain funds.

W. N. SLOCUM,  
Assistant Clerk.

Mr. Heacock offered the following resolution :

*Resolved*, That the Committee on Public Buildings be allowed a clerk, such clerk only to be paid for such time as the committee is absent on such business.

Adopted.

On motion of Mr. Burnell, at twenty-five minutes past one, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 21st, 1861. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Mr. Thomas.

Quorum present.

Prayer by Rev. Mr. Simmons.

Journal of Tuesday, January fourteenth, was read and approved.

On motion of Mr. Denver, indefinite leave of absence was granted to Mr. Heacock.

## PETITIONS.

Mr. Perkins presented the petition of Joseph M. Carris, praying that leave be granted him to introduce testimony before the Senate, in the matter of contesting the seat now occupied by the Hon. Leander Quint.

On motion, referred to Committee on Elections.

Mr. Van Dyke presented the petition of sundry citizens of the County of Humboldt, praying that Peter Lothion, former Sheriff of said county, be reimbursed for moneys advanced by him for the capture of one John Estes, who escaped from jail in the year eighteen hundred and fifty-four, while under sentence of death.

Referred to Committee on Claims.

Mr. Banks presented a petition of property holders on Main and Harrison streets, and the vicinity of those streets, in the city of San Francisco, relative to the grade of Harrison street, at its intersection with Main street.

Referred to the San Francisco delegation.

## REPORT.

Mr. Harriman, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 6, an Act to transfer certain funds, and at eleven o'clock, A. M., January fifteenth, delivered the same to the Governor for his approval.

HARRIMAN, Chairman.

Adopted.

#### INTRODUCTION OF BILLS.

Mr. De Long, by leave, introduced a bill for an Act to empower Charles Lindley to sell and convey, at private sale, all property, real and personal, situated in the State of California, in which his children, Matilda S. Lindley, Curtis H. Lindley, and Josephine Lindley, have or possess any interest.

Read first and second times, and on motion of Mr. De Long, the rules were further suspended, bill considered engrossed, read third time, and passed.

Mr. Crane, by leave, introduced a bill for an Act to amend an Act entitled an Act to amend an Act supplementary to an Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three, approved May eighteenth, eighteen hundred and sixty-one.

Read first and second times, and on motion of Mr. Crane, was referred to the Judiciary Committee.

Also, a bill for an Act to fix the residence of the State Officers of this State, and to repeal all laws in conflict therewith.

Read first and second times, and on motion of Mr. Crane, laid upon the table.

Mr. Merritt, by leave, introduced a bill for an Act authorizing the District Attorney of Mariposa County to appoint a Deputy.

Read first and second times, and on motion of Mr. Merritt, the rules were further suspended, bill considered engrossed, read third time, and passed.

Mr. Hathaway, by leave, introduced a bill for an Act to provide for the sale and disposition of the public lands of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Mr. Van Dyke, by leave, introduced a bill for an Act for the payment of expenses incurred in the suppression of Indian hostilities in the County of Humboldt, in this State.

Read first and second times, and referred to the Committee on Claims.

Mr. Banks, by leave, introduced a bill for an Act to provide for the relief of the sufferers by the flood.

Placed upon the general file.

Mr. Parks offered the following resolution:

*Resolved*, That the Committees on Judiciary and Claims be each allowed a Clerk, at the per diem allowed by law.

Mr. Perkins moved to amend by inserting Finance Committee.

Lost.

Mr. Irwin moved to lay the resolution on the table.

Lost.

Mr. Merritt offered the following amendment:

15SEN

Also, that the Committees on Finance, Federal Relations, and Contingent Expenses, be allowed to appoint a Clerk, who shall act as Clerk of said committees.

Rejected.

The question recurring upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Perkins, Powers, and Merritt, and taken with the following result:

AYES—Messrs. Banks, Burnell, Crane, Denver, Gallagher, Harvey, Hill, Kutz, Nixon, Parks, Porter, Rhodes, Soule, Shurtleff, Van Dyke, and Watt—16.

NOES—Messrs. Bogart, Chamberlain, De Long, Doll, Gaskill, Harriman, Holden, Kimball, Lewis, Merritt, Oulton, Perkins, Powers, Quint, Shafter, Vineyard, Warmcastle, and Williamson—18.

So the resolution was lost.

Mr. Perkins moved a reconsideration of the vote by which the above resolution was rejected.

Pending which, the special order was called for by Mr. Irwin.

#### SPECIAL ORDER.

The hour for the special order, of considering the message of Governor Downey, appointing Thomas N. Cazneau Commissioner of Immigration, having arrived, the Senate, upon motion of Mr. Merritt, went into Executive Session:

#### EXECUTIVE SESSION.

On motion of Mr. Crane, the following message of Governor Stanford, relating to the same subject, was taken up:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 21st, 1862. }

*To the Honorable the Senate of California:*

The appointment of Thomas N. Cazneau as Superintendent of Immigration, whose name has been submitted to the Senate for confirmation, is hereby withdrawn.

LELAND STANFORD, Governor.

The President pro tem. decided that the latter message took the whole subject from the power of the Senate.

From which decision Mr. Merritt appealed.

Mr. Merritt moved a call of the Senate.

Sustained.

Roll called.

Quorum present.

On motion of Mr. Irwin, further proceedings under the call were dispensed with.

The question being, shall the decision of the Chair stand as the judgment of the Senate, the roll was called with the following result:

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Kimball, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, Soule, and Van Dyke—16.

NOES—Messrs. Baker, Bogart, Burnell, Denver, De Long, Doll, Galla-



gher, Harvey, Hill, Holden, Irwin, Lewis, Merritt, Parks, Pacheco, Quint, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—21.

So the decision of the Chair was not sustained.

The message of Governor Downey, the special order, was then considered.

Mr. Perkins moved to make it the special order for Tuesday, the twenty-eighth instant.

Upon which, the ayes and noes were called for by Messrs. Denver, Warmcastle, and De Long, with the following result:

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Kimball, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, and Soule—14.

NOES—Messrs. Baker, Bogart, Burnell, Denver, De Long, Doll, Gallagher, Harvey, Hill, Holden, Irwin, Kutz, Lewis, Merritt, Parks, Pacheco, Quint, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—23.

So the motion to postpone was lost.

Mr. Gaskill moved to postpone the further consideration of the whole subject until Thursday, the twenty-third instant.

Lost.

On the question, will the Senate advise and consent to the appointment of Thomas N. Cazneau as Superintendent of Immigration for the port of San Francisco, the roll was called with the following result:

AYES—Messrs. Baker, Bogart, Burnell, Denver, De Long, Doll, Gallagher, Harvey, Hill, Holden, Irwin, Lewis, Merritt, Oulton, Parks, Pacheco, Quint, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—23.

NOES—Messrs. Banks, Chamberlain, Crane, Harriman, Hathaway, Kimball, Kutz, Nixon, Perkins, Porter, Powers, Rhodes, and Soule—13.

So the appointment was confirmed.

Mr. De Long moved a call of the Senate.

Sustained.

Roll called.

Quorum present.

On motion of Mr. Rhodes, farther proceedings under the call were dispensed with.

The motion of Mr. Perkins, to reconsider the vote by which the resolution of Mr. Parks was rejected, which was pending at the time the special order came up, was then considered, and upon division, it was carried: ayes 18—noes 12.

The question then being upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Perkins, Gaskill, and Merritt, and taken with the following result:

AYES—Messrs. Banks, Burnell, Crane, Denver, Gallagher, Harvey, Hathaway, Hill, Irwin, Kutz, Lewis, Nixon, Parks, Quint, Rhodes, Soule, Shurtleff, Van Dyke, and Watt—19.

NOES—Messrs. Baker, Bogart, Chamberlain, Doll, Gaskill, Harriman, Holden, Kimball, Merritt, Oulton, Pacheco, Perkins, Powers, Vineyard, Warmcastle, and Williamson—16.

Mr. Van Dyke introduced a joint resolution, memorializing Congress to create a new Collection District in the northern part of this State.

Adopted.

On motion of Mr. Denver, at fifteen minutes past three o'clock the Senate adjourned until to-morrow, at eleven o'clock, A. M.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Wednesday, January 22d. 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Absent—Mr. Thomas.

Quorum present.

Prayer by Rev. Dr. Peck.

Journal of yesterday read and approved.

In accordance with a resolution heretofore adopted, the papers in the contested election case from Mono County were received from the Secretary of State, and on motion, were referred to the Committee on Elections.

The following communication from the Superintendent of Public Instruction was taken from the table:

DEPARTMENT OF INSTRUCTION,

San Francisco, January 7th, 1862. }

*To Hon. J. F. Chellis, President of the Senate:*

DEAR SIR:—I have the honor to submit herewith the eleventh annual report of the Superintendent of Public Instruction, with accompanying documents.

I am, very respectfully,

ANDREW J. MOULDER,

Supt. Public Instruction.

On motion, the report and accompanying documents were referred to the Committee on Education.

On motion of Mr. Denver, the Committee on Public Printing were requested to report the number of copies of the report necessary to be printed.

### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }

Sacramento, January 21st, 1862. }

*To the Honorable the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate

bill No. 1, an Act to appropriate money for postage and express purposes during the thirteenth session of the Legislature ;

Also, Senate bill No. 3, an Act for the relief of Pablo De la Guerra ;

Also, Senate bill No. 6, an Act to transfer certain funds.

LELAND STANFORD, Governor.

#### INTRODUCTION OF BILLS.

Mr. Van Dyke, by leave, introduced a bill for an Act defining the boundary of Humboldt County.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Burnell, by leave, introduced a bill for an Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a turnpike road between the Town of Jackson and Lone City, in the County of Amador, approved April fifth, A. D. eighteen hundred and sixty-one.

Read first and second times, and on motion of Mr. Burnell, the rules were further suspended, bill considered engrossed, read third time, and passed.

Mr. Denver, by leave, introduced a bill for an Act to repeal an Act entitled an Act to provide for the appointment of a Gauger for the port of San Francisco, passed May third, eighteen hundred and fifty-two.

Read first and second times, and on motion of Mr. Perkins, was referred to the Committee on Commerce and Navigation.

Also, a bill for an Act to repeal certain Acts.

Read first and second times, and on motion of Mr. Denver, was referred to the Committee on Commerce and Navigation.

Mr. Perkins introduced a bill for an Act to repeal an Act entitled an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times, and on motion of Mr. Perkins, was referred to the Committee on Commerce and Navigation.

Also, a bill for an Act to authorize James Galloway to erect a wharf in the City and County of San Francisco.

Read first and second times, and on motion of Mr. Perkins, was referred to the Committee on Commerce and Navigation.

Also, a bill for an Act to repeal an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April thirtieth, eighteen hundred and fifty-five.

Read first and second times, and on motion of Mr. Perkins, referred to the Judiciary Committee.

Also, a bill for an Act to authorize Alexander Boyd, Administrator of the estate of Daniel B. Mosby, deceased, to sell and convey real estate.

Read first and second times, and referred to the Judiciary Committee.

Mr. Pacheco, by leave, introduced a bill for an Act to extend the time for collecting taxes in the County of San Luis Obispo.

Read first and second times, and on motion, was recommitted to Mr. Pacheco.

#### RESOLUTIONS.

Mr. Banks offered the following resolutions :

*Resolved*, That that portion of the Governor's Message relating to Finance be referred to the Finance Committee ; that portion relating to a State University and that portion relating to the Reform School, to the

Committee on State Prison and Public Buildings; that portion relating to the State Prison, to the Committee on State Prison and Public Buildings; that portion relating to the Geological Survey, to the Committee on Mines and Mining Interests; that portion relating to the Insane Asylum, to the Committee on State Hospitals; that portion relating to the Attorney-General's Report, to the Judiciary Committee; that portion relating to the Surveyor-General's Report, to the Committee on Swamp and Overflowed Lands; that portion relating to Agriculture, to the Committee on Agriculture; that portion relating to our Commercial Interests, to the Committee on Commerce and Navigation; that portion relating to Indian Hostilities, Coast Defences, and the State Contingent, to the Committee on Military Affairs; and that portion concerning Federal Relations, to the Committee on Federal Relations.

*Resolved*, That that portion of the Governor's Message relating to Common Schools be referred to the Committee on Education, with instructions to report within two weeks in regard to the disposition that has been made of the moneys arising from the sale of school lands.

Adopted.

Mr. Perkins offered the following resolution :

*Resolved*, That the Treasurer of State be requested to inform the Senate what amount of money, if any, has been paid into the State Treasury under the provisions of an Act entitled an Act for the protection of fisheries, passed April twenty-eighth, eighteen hundred and sixty.

Adopted.

On motion of Mr. Banks, the bill for an Act to provide for the relief of the sufferers by the flood, was taken up.

On motion of Mr. Gaskill, it was referred to the Committee on Finance.

Mr. Van Dyke offered the following concurrent resolutions in regard to spoliations by Indians in this State :

WHEREAS, The citizens of this State upon the Indian frontier have been exposed to the depredations of hostile Indians since the settlement of California by the whites, and have suffered severe losses of property by tribes under the control of the Federal Government, and with many of whom treaties of peace had been made—such as the destruction of houses, buildings, bridges, ferries, and other property, and in having stock and other property of various descriptions stolen; therefore,

*Resolved*, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives be requested, to use their exertions to secure the passage of an Act by Congress directing the appointment by the President of the United States of a Commissioner, whose session shall be held at some convenient point or points in this State, and who shall be authorized and required to collect proof relative to the losses sustained by our citizens as aforesaid, and report the same to the Secretary of the Interior, to be by him submitted to Congress.

Referred to the Committee on Military Affairs.

#### MESSAGE FROM THE ASSEMBLY.

The following message, relating to concurrent resolution accompanying the same, was received from the Assembly :



ASSEMBLY CHAMBER, }  
January 21st, 1862. }

Mr. PRESIDENT:—The Assembly have adopted Assembly concurrent resolution No. 6, relative to the establishment of a daily mail between Carson, Nevada Territory, and Aurora, California.

*Resolved*, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure the establishment of a daily mail from the Town of Carson, Nevada Territory, to Aurora, Mono County, California, and for the establishing of a post office at Aurora.

*Resolved*, That his Excellency, the Governor, be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

W. N. SLOCUM,  
Assistant Clerk.

Concurred in.

Mr. Denver introduced certain amendments to the Constitution, which were read by title first and second times, and on motion of Mr. Denver, were referred to the Judiciary Committee.

Mr. De Long offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be requested forthwith to present to the Senate an account of all his proceedings under the resolution heretofore passed, empowering him to hire boats for the Senate.

Adopted.

#### SPECIAL ORDER.

On motion of Mr. De Long, the military appointments of Governor Downey (the special order of the day,) were taken up, and on motion of Mr. Porter, they were referred to the Committee on Military Affairs.

On motion of Mr. Nixon, the Senate, at ten minutes past twelve o'clock, took a recess for half an hour.

#### SENATE REASSEMBLED.

Upon the Senate reassembling, a written statement was received from the Sergeant-at-Arms, agreeable to request in resolution offered by Mr. De Long, relative to boat hire for members and attachés of the Senate, on account of the flood.

On motion of Mr. Irwin, the statement, with accompanying accounts, was referred to the Committee on Contingent Expenses.

On motion of Mr. Denver, Senate Rule No. 45 was suspended, in order that Senate bills Nos. 13 and 14 may be immediately transmitted to the Assembly.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 22d, 1862. }

Mr. PRESIDENT:—The Assembly have to-day adopted Assembly concurrent resolution No. 7, relative to adjournment.

*Resolved*, By the Assembly, the Senate concurring, that this Legislature, when it adjourns to-day, do adjourn until Friday, the twenty-fourth day

of January instant, to meet in the City of San Francisco, there to remain during the remainder of the present session, at such place as may be provided, and that a committee of three be appointed on the part of the Assembly, to act with a like committee to be appointed on the part of the Senate, whose duty it shall be to procure and cause to be fitted up, proper apartments for this Legislature, and the attachés thereof, and shall remove thereto all the property and appurtenances belonging to this Legislature; and that the members of the Assembly and Senate do meet on said twenty-fourth instant, at twelve o'clock, noon, of that day, in the hall of the building on Battery street, between Washington and Jackson streets, known as the Exchange Buildings, from thence to be conducted by their respective presiding officers to the apartments prepared for them.

W. N. SLOCUM,  
Assistant Clerk.

Mr. Crane moved that the Senate concur in the above resolution.

Upon which, the ayes and noes were demanded by Messrs. Parks, Rhodes, and Williamson, and taken with the following result:

AYES—Messrs. Baker, Bogart, Chamberlain, Crane, De Long, Gaskill, Harriman, Hathaway, Hill, Irwin, Kimball, Kutz, Merritt, Oulton, Pacheco, Perkins, Porter, Powers, Rhodes, Soule, Warmcastle, and Watt—22.

NOES—Messrs. Banks, Burnell, Denver, Doll, Gallagher, Harvey, Holden, Lewis, Nixon, Parks Shurtleff, Vineyard, and Williamson—13.

Mr. De Long moved to reconsider the vote just taken.

Mr. Irwin moved to indefinitely postpone the motion to reconsider.  
Carried.

The President pro tem. appointed the following committee on the part of the Senate, in accordance with the resolution: Messrs. Soule, Porter, and De Long.

Senate bill No. 16, an Act to fix the residence of the State officers of this State, and to repeal all laws in conflict therewith, was taken up, amended, and committed to Mr. Crane.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 22d, 1862. }

MR. PRESIDENT:—I am directed by the Assembly to report that Messrs. Hoffman, O'Brien, and Fay, have been appointed on the part of the House as members of the Joint Committee on Adjournment.

W. N. SLOCUM,  
Assistant Clerk.

On motion of Mr. Denver, at half past one o'clock, P. M., the Senate adjourned.

J. F. CIELLIS,  
President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER, }  
 Friday, January 24th, 1862. }

Senate met in San Francisco pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Absent—Messrs. Thomas, Vineyard, and Watt.

Indefinite leave of absence was granted to Mr. Watt.

Mr. Vineyard was granted leave of absence for two days.

Mr. Crane, to whom was referred Senate bill No. 16, an Act to fix the residence of the State officers of this State, and to repeal all laws in conflict therewith, reported a substitute.

Mr. Crane moved that the rules be suspended, and the bill be considered now, which was carried.

Bill considered in Committee of the Whole, and substitute adopted.

## IN SENATE.

Amendments concurred in, and, on motion of Mr. Merritt, the rules were suspended, bill considered engrossed, read third time, and passed.

Mr. Porter, from the Joint Committee on temporary removal of the Legislature, asked until to-morrow to make a report.

Granted.

Mr. Banks, by leave, introduced a bill for an Act to amend an Act entitled an Act concerning corporations.

Read first and second times, and referred to the Committee on Corporations, to be hereafter appointed.

Indefinite leave of absence was granted to Mr. Nixon.

On motion of Mr. Irwin, at twenty minutes past twelve o'clock, P. M., the Senate adjourned until to-morrow at eleven o'clock, A. M.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER, }  
 Saturday, January 25th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Absent—Mr. Thomas.

Mr. Heacock was granted leave of absence for one day.

Journal of Wednesday, twenty-second instant, and also of yesterday, read and approved.

## REPORTS.

Mr. Porter, from the majority of the Joint Committee on removal of the Legislature, submitted the following report:

MR. PRESIDENT:—We, a majority of your Committee, appointed and authorized to procure and cause to be fitted up, proper apartments for this Legislature and the attachés thereof, and to remove thereto all the property and appurtenances belonging to this Legislature, respectfully beg leave to report—that they have visited and examined the several places in this city where the Legislature can be convened, and respectfully recommend the second story of the building now occupied by this body, to be the most safe and convenient location in the City of San Francisco, or vicinity, for the accommodation of this Legislature. The above mentioned apartments can be had for one thousand dollars per month, for the balance of the present session of this Legislature. Said apartments consist of Senate and Assembly chambers, of ample dimensions for the accommodation of both branches; also, two rooms, thirteen and a half by twenty-seven, also twenty-one rooms, fourteen by nineteen, together with commodious desks, for Speakers and Clerks, chairs, carpets, and furniture for committee rooms, stoves, gas fixtures, water, etc.

The apartments are situated in a central location, directly in front of the post office, near the express office, and city public and private libraries, and are in every respect well adapted to the convenience of this Legislature, as well as the dispatch of business.

A majority of your Joint Committee would further respectfully report to this honorable body, that they have been generously tendered, by Mr. Hayes, the use of his building, known as Hayes' Pavilion, and transit for Legislators to and from the city by railroad cars free of charge.

But as the said building is constructed wholly of wood, and situated remote from the central part of the city, and the conveniences necessary for dispatch in legislation, your Committee deem it an improper place to locate this Legislature, not only on account of its remoteness from the city and deficiency of facilities for the dispatch of business, but some days would be required to prepare said Pavilion for the reception of the Legislature, whereas, the building now occupied is in condition suitable for the continuance of business, without interruption.

A majority of your Committee furthermore inform you that, in accordance with the provisions of the resolution authorizing them to remove the furniture and appurtenances of this Legislature from Sacramento to this place, they contracted with the California Steam Navigation Company for the transmission of the same from the capitol in Sacramento to this place for a sum not to exceed one thousand dollars; which contract has been fulfilled, and said furniture and appurtenances are here, at your disposal, excepting the portraits of Generals Washington and Sutter, which were left at the capitol.

A majority of your Committee further report that they have made no permanent arrangements for apartments, in consequence of a division of opinion between members of Committee as to the best locality. Your Committee therefore await the instructions of the Senate and Assembly.

GEORGE K. PORTER,  
Chairman.

D. B. HOFFMAN,  
Chairman.

CALEB T. FAY,  
SAMUEL SOULE.



Mr. De Long, from the minority of the same Committee, made the following report :

MR. PRESIDENT :—In dissenting from the majority report of your Committee, we wish briefly to state our reasons.

We have been offered for our use Hayes' Park, free of charge, for the session. That building is vastly larger than this one, and is, in our opinion, much better arranged for our use, and that of the State officers, if they should remove here. All of our committees could also have all the rooms there they would require. In addition to this, the owner offers to run a train of cars, each ten minutes, from daylight until three o'clock, p. m., each day, from the Park to the city, for our accommodation, free to all the State officers and their attachés ; also, to remove to the Park, on their cars, all our furniture, free of charge ; to provide safes, of sufficient size and number, to safely keep any and all archives, or documents, that we may have ; and, further, at their own cost and expense, in one day, to have the building fitted up and arranged, as suggested, for our reception.

It seems to us that it is better, and certainly far more economical, for us to accept this offer, than to keep this building at a cost of one thousand dollars per month.

It is urged as an objection to Hayes' Park, and as a reason why we should keep this one, that Hayes' Pavilion is a wooden building, and, therefore, more subject to be burned than this one, which is of brick. This we admit. But that building has arranged, near its dome, tanks containing four thousand gallons of water, with which the building can, at any part, be instantly deluged, and a fire, unless too far advanced, easily extinguished ; whilst this building, by no means fireproof, is, as we understand, otherwise insecure, having been built upon piles years since, which piles are now in a decaying condition.

It is also urged as an objection to the Park building, that it is remote, and at an inconvenient distance from town. This inconvenience can be but little, with cars running to and from there every ten minutes, night and day, and such inconvenience, if any, we consider far less than the inconvenience surrounding us in this house, with its cramped chambers ; and besides the inconvenience of distance, we consider far more than compensated for by the quietude of the place, as compared with the unceasing din surrounding this one, occasioned by the fact that it is surrounded on all sides by paved streets, and being in the heart of the city and the centre of business.

For the following reasons, to wit : First—That it can be had free of charge ; Second—That it is more commodious and better arranged ; Third—That it is situated where there is far less noise ; Fourth—That it is more retired from lobby influence—we, a minority of your Committee, recommend that Hayes' Pavilion be selected to hold the present session of the Legislature.

C. E. DE LONG,

Of the Senate.

T. O'BRIEN,

Of the Assembly.

Mr. De Long also submitted the following offer and specifications :

*To the Committee of the Senate and Assembly on selecting proper rooms for the Legislature of the State :*

GENTLEMEN :—I propose to give the use of my building, known as "Hayes' Park Pavilion," for the use of the Legislature and State officers for the balance of the present session, free of charge. I will also make any improvements and alterations as may be required, and have the same ready for use in twenty-four hours' notice. So as to insure perfect safety for the archives of the State and Legislature, I will either furnish fire-proof safes, or build fire-proof vaults, as your honorable body may direct. Each member and attaché of the Legislature and State offices will be furnished with a free pass on the railroad. The cars will run every fifteen minutes up to twelve o'clock, midnight.

The dimensions of the building are as follows, viz :

First floor—Main building, one hundred and twenty feet by one hundred and twenty feet ; main hall, eighty feet by one hundred and twenty feet ; two rooms, forty feet by fifty-two and a half feet each, either of which will be suitable for the Senate Chamber ; also, three rooms, suitable for Sergeants-at-Arms, Paper Folders, Post Office, etc.

Second floor—Two rooms, twenty feet by fifty-two and a half feet each, suitable for Treasurer, Secretary of State, and Controller, or other officers ; also, four rooms, fifteen feet by fifteen feet each ; two rooms, fifteen feet by twenty feet each ; also, a number of other rooms, suitable for committee rooms or other purposes.

Third floor—One large room, twenty feet by sixty feet ; one large room, twenty feet by twenty feet, suitable for store rooms, etc.

There are also attached to the building two large water tanks, supplied from an artesian well, containing four thousand gallons, with connecting pipes throughout the entire building, with hose, etc.

I will also move the furniture, etc., of the Legislature on the cars free of charge.

All of which is respectfully submitted.

MICHAEL HAYES,  
Proprietor.

Mr. De Long moved that the reports be recommitted to the Committee, with instructions to select Hayes' Building, at Hayes' Park, for the use of this Legislature.

Upon which, the ayes and noes were demanded by Messrs. De Long, Williamson, and Lewis, and taken with the following result :

AYES—Messrs. Bogart, Denver, De Long, Doll, Gallagher, Holden, Irwin, Lewis, Merritt, Quint, Shurtleff, and Williamson—12.

NOES—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Gaskill, Harvey, Harriman, Hathaway, Hill, Kimball, Kutz, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Rhodes, Soule, Van Dyke, and Warmcastle—22.

Lost.

Mr. Van Dyke moved the adoption of the majority report, and that the Committee be authorized to contract for the building now occupied by this Legislature, known as the "Exchange Buildings," during its present session.

Adopted.

Mr. Oulton, by leave, introduced a bill for an Act to reimburse A. M. Rosborough certain moneys expended as Court costs, in the action en-

titled The People of the State of California ex rel R. L. Westbrook, by authority of Attorney-General Williams, vs. A. M. Rosborough.

Bill read first and second times, by title, and referred to the Committee on Claims.

Mr. Pacheco, to whom was referred Senate bill No. 31, for an Act to extend the time for collecting taxes in the County of San Luis Obispo, reported a substitute.

Mr. Pacheco moved that the rules be suspended, and bill considered now.

Carried.

Bill considered in Committee of the Whole, and substitute adopted.

#### IN SENATE.

Bill read first and second times, and on motion of Mr. Rhodes, was referred to the Committee on Finance.

Mr. Irwin submitted certain accounts of the Sergeant-at-Arms, for boat hire.

Referred to Committee on Contingent Expenses.

#### RESOLUTIONS.

Mr. Powers offered the following resolution :

*Resolved*, That immediately upon the arrangement of the desks in the Senate Chamber, the Sergeant-at-Arms shall proceed to number them, and assign them to Senators by lot.

Mr. De Long moved to lay the resolution on the table.

Carried.

Mr. Crane offered the following resolution, and moved its adoption :

*Resolved*, That the Committee on Elections be allowed a Clerk during the time they may be engaged in the investigation of the case now before them, (not exceeding ten days,) at the same per diem as is allowed to the Clerk of the Judiciary Committee.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Gallagher, Denver, and Rhodes, and taken with the following result :

AYES—Messrs. Baker, Bogart, Crane, Harriman, Hathaway, Irwin, Kimball, Lewis, Merritt, Porter, Quint, Warmcastle, and Williamson—13.

NOES—Messrs. Banks, Burnell, Chamberlain, Denver, De Long, Doll, Gallagher, Gaskill, Harvey, Hill, Holden, Kutz, Oulton, Parks, Pacheco, Perkins, Powers, Rhodes, Soule, Shurtleff, and Van Dyke—21.

So the resolution was lost.

Mr. Gaskill offered the following resolution :

*Resolved*, That the Committee on Rules for the Senate be instructed to report on Monday next.

Adopted.

Mr. Harvey offered the following resolution :

*Resolved.* That the annual reports of the various State officers be referred to the Joint Committee on Printing, and that the Committee be instructed to report at an early day upon the propriety of printing the same, and if to print, the number of copies of each.

Adopted.

Mr. Burnell, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined substitute for Senate bill No. 16, entitled an Act to fix the temporary residence of the State officers of this State, and to repeal all laws in conflict therewith, and report the same correctly engrossed.

R. BURNELL, Chairman.

A communication was received from the Special Committee of the Board of Managers of the Industrial School of San Francisco.

Read and referred to the Committee on Public Buildings.

On motion of Mr. Van Dyke, the resolution inviting the clergymen of Sacramento to officiate as Chaplains of the Senate was rescinded.

On motion of Mr. Harvey, at half past twelve o'clock, P. M., the Senate adjourned until Monday, the twenty-seventh instant.

J. F. CHELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER.

Monday, January 27th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Absent—Messrs. Crane, Denver, and Thomas.

Mr. Shurtleff was excused from serving on the Committee on Federal Relations, and Mr. Kutz was appointed in his place.

Mr. Holden offered a concurrent resolution, relative to raising the American flag over the building now occupied by this Legislature.

Adopted.

The President announced the following additional Standing Committees :

### ON PUBLIC EXPENDITURES.

Messrs. Gaskill, Quint, Soule, Shafter, and Williamson.



## ON CORPORATIONS.

Messrs. Banks, Merritt, Soule, Bogart, and Rhodes.

## ON PUBLIC MORALS.

Messrs. Nixon, Pacheco, Watt, Parks, and Banks.

## ON PUBLIC LANDS.

Messrs. Pacheco, Holden, Chamberlain, Warmcastle, and Van Dyke.

## ON MINES AND MINING INTERESTS.

Messrs. Oulton, Harvey, Kutz, Quint, Heacock, Merritt, and Kimball.

## ON INTERNAL IMPROVEMENTS.

Messrs. Harriman, Shurtleff, Porter, Hathaway, and Heacock.

## ON EDUCATION.

Messrs. Gallagher, Crane, Pacheco, Shafter, and Hill.

## ON AGRICULTURE.

Messrs. Chamberlain, Lewis, Vineyard, Holden, and Watt.

## ON COUNTIES AND COUNTY BOUNDARIES.

Messrs. Kutz, Williamson, Gallagher, Heacock, and Gaskill.

## ON ROADS AND HIGHWAYS.

Messrs. De Long, Irwin, and Bogart.

## JOINT COMMITTEE ON PRINTING.

Messrs. Denver, Perkins, and Hathaway.

Mr. De Long presented a communication from Thomas Mooney, relative to the industry of this State, etc., and moved its reference to a special committee.

Mr. Van Dyke moved that it be referred to the Judiciary Committee, which, on division, was lost: ayes 14—noes 16.

The motion of Mr. De Long was then put, and carried.

## REPORTS.

Mr. Burnell, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 24, entitled an Act amendatory of and supplemental to

an Act entitled an Act to grant the right to construct a turnpike road between the Town of Jackson and Lone City, in the County of Amador, and report the same correctly engrossed.

BURNELL, Chairman.

Mr. Parks made the following report :

MR. PRESIDENT :—Your Committee on Rules of the Senate and Joint Rules of the Senate and Assembly, beg leave to report the accompanying Rules for the government of the Senate, and Joint Rules for the government of the two Houses.

PARKS, Chairman.

On motion of Mr. Parks, the report was laid on the table, and the usual number of copies of the Rules ordered printed.

A communication was received from H. H. Bancroft & Co., tendering to each of the officers and members of this Senate a copy of the "Hand-book Almanac of the Pacific States for the year eighteen hundred and sixty-two," being their first annual publication of the statistics of the Pacific coast.

#### RESOLUTIONS.

Mr. Van Dyke offered the following resolution :

*Resolved*, That the thanks of the Senate be extended to H. H. Bancroft & Co., booksellers of this city, for the favor of a copy of their useful publication entitled "Bancroft's Hand-book Almanac for the Pacific States, eighteen hundred and sixty-two," to each of the members of this body.

Adopted.

Mr. De Long offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to procure a necessary quantity of sawdust, bark, or other material of that nature, and have the same spread upon the street in front of this building, for the distance of one square, in such manner as to cover the pavement of said street.

Adopted.

Mr. Gaskill offered the following resolution :

*Resolved*, That the list of the different Standing Committees of the Senate be printed with the Rules.

Adopted.

Mr. Powers offered the following resolution :

*Resolved*, That the Committee on Public Buildings of the Senate be allowed mileage for visiting the State Prison.

Referred to the Committee on Mileage.

#### INTRODUCTION OF BILLS.

Mr. Shurtleff, by leave, introduced a bill for an Act to divide the State

into Congressional Districts, and to fix the time of electing Representatives to Congress.

Read first and second times by title, and referred to the Committee on Federal Relations.

Mr. Perkins, by leave, introduced a bill for an Act to authorize and direct the Governor of the State of California to give notice to the Secretary of the Treasury of the United States, that the State of California does assume and will pay into the Treasury of the United States, the direct tax of two hundred and fifty-four thousand five hundred and thirty-eight dollars, in pursuance of, and in accordance with, the provisions of an Act of Congress passed at the last session, entitled an Act to provide increased revenue from imports to pay the public debt, and for other purposes.

Read first and second times.

Mr. Merritt moved that the bill be referred to the Committee on Finance.

Carried.

Mr. Chamberlain, by leave, introduced a bill for an Act to amend an Act entitled an Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March seventh, eighteen hundred and fifty-nine.

Read first and second times.

Mr. Chamberlain moved that the rules be further suspended, the bill be considered engrossed, read third time, and put upon its final passage—which, on division, was lost.

Mr. Burnell moved that it be referred to the Committee on Corporations.

Carried.

Mr. Gaskill, by leave, introduced a bill for an Act to amend an Act entitled an Act authorizing and empowering the Board of Supervisors in and for the County of Butte, to levy a special tax on all taxable property in said county, for contingent purposes, approved March sixteenth, eighteen hundred and fifty-nine.

Read first and second times by title, and referred to the Senators from Butte and Plumas.

Mr. Banks, by leave, introduced a bill for an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to procure chambers for Judges of certain Courts, passed April fifteenth, eighteen hundred and sixty-one.

Read first and second times.

Mr. Banks then moved that the rules be considered suspended, and the bill be considered now.

Lost.

The bill was referred to the San Francisco delegation.

Mr. Powers, by leave, introduced a bill for an Act to create a Contingent Fund in the County of Solano.

Read first and second times, and referred to the Committee on Finance.

On motion of Mr. Merritt, the Senate, at half past one o'clock, adjourned until to-morrow at eleven o'clock, A. M.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Tuesday, January 28th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Absent—Mr. Thomas.

Journal of yesterday read and approved.

The President announced the appointment of Messrs. De Long, Parks, Oulton, Powers, Van Dyke, Porter, and Merritt, as a Select Committee to take into consideration the communication of Thomas Mooney relative to the industry of this State, etc., in accordance with a resolution passed yesterday.

Mr. Harriman was excused from serving as Chairman of the Committee on Enrolment, and Mr. Porter was appointed in his stead.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER.

January 28th, 1862. }

MR. PRESIDENT :—The Assembly have concurred in Senate concurrent resolution No. 13, relative to hoisting the American flag over the building used by the Legislature.

W. N. SLOCUM,

Assistant Clerk.

## REPORTS.

Mr. Parks, from the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims have had under consideration the claim of Peter Lothian, to be reimbursed for amount of reward paid by him as Sheriff of Humboldt County, and report the same back, and recommend that it be rejected ;

Also, have had under consideration Senate bill No. 30, reimbursing certain moneys expended by A. M. Rosborough, as Court costs, in the action entitled The People ex rel. R. L. Westbrook, and report the same back, and recommend that the bill be indefinitely postponed.

PARKS, Chairman.

Mr. Perkins, from the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred an Act to authorize the Governor to notify the Secretary of the Treasury of the United States of the intention of the State of California to assume and collect, etc., the direct tax apportioned to said State by Act of Congress, approved August sixth, eighteen hundred and sixty-one, have had the same under consideration, and report the accompanying concurrent resolution, and recommend its passage.

PERKINS, Chairman.



Mr. Perkins moved the adoption of the concurrent resolution above reported.

Mr. Doll moved to suspend the rules and consider the resolution now. The motion of Mr. Perkins was carried.

Mr. Crane moved to reconsider the vote just taken.

Carried.

Upon the adoption of the resolution, Messrs. Perkins, Heacock, and Hathaway, demanded the ayes and noes, and the resolution was adopted, by the following vote :

AYES—Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Crane, Denver, De Long, Doll, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Williamson—38.

NOES—None.

Mr. Shurtleff, from the Committee on Mileage, made the following report :

MR. PRESIDENT:—The Committee on Mileage report the sum due Senators Heacock, Burnell, Gaskill, De Long, Harriman, Williamson, and Perkins, each, as mileage in travelling to and from San Quentin in the performance of committee duties, to be fifty-two dollars, payable out of the Contingent Fund of the Senate.

SHURTLEFF, Chairman.

Mr. Banks, from the San Francisco delegation, made the following report :

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 35, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to procure chambers for the Judges of certain Courts, passed April fifteenth, eighteen hundred and sixty-one, respectfully ask leave to report the same back, and recommend its passage.

BANKS, for Delegation.

The bill above reported was considered as in Committee of the Whole, rules suspended, considered engrossed, read third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Doll, for an Act granting to certain persons the right to construct and maintain a railroad through certain streets in the City of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Oulton, for an Act authorizing the State Treasurer to deliver certain bonds to Nathaniel F. Cutler.

Read first and second times, and referred to the Committee on Claims.

By Mr. Crane, for an Act concerning Swamp and Overflowed and

Tide-Marsh Lands, situated on the Encinal of San Antonio, in the County of Alameda.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

#### RESOLUTIONS.

Mr. Heacock offered the following resolution :

*Resolved*, That the Clerk of the Public Building Committee be allowed mileage in visiting the State Prison, and one week's per diem, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Finance.

Mr. Crane offered the following resolution :

*Resolved*, That the Committee on Elections be and are hereby authorized to send for persons and papers in any case now before them, or which may hereafter arise.

Upon the adoption of the resolution, Messrs. Perkins, Crane, and Gaskill, demanded the ayes and noes, and it was adopted by the following vote :

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harvey, Harriman, Hathaway, Kimball, Kutz, Lewis, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, and Van Dyke—19.

NOES—Messrs. Baker, Bogart, Burnell, Denver, De Long, Doll, Gallagher, Heacock, Hill, Holden, Irwin, Nixon, Parks, Pacheco, Vineyard, Warmcastle, and Williamson—17.

Mr. Holden offered a concurrent resolution in regard to public lands.

Adopted.

Mr. De Long offered the following resolution :

*Resolved*, That Messrs. Heacock, Burnell, Gaskill, De Long, Harriman, Williamson, and Perkins, comprising the members of the committee visiting the State Prison, be allowed fifty-two dollars each, as reported due them by the Standing Committee on Mileage, and that the same be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Lewis offered the following resolution :

*Resolved*, That the Committee on Elections be allowed a Clerk for every day they are engaged in the case before them, at the per diem allowed by law.

Adopted.

Mr. Harvey offered a concurrent resolution relative to a mail route between San Francisco and Japan and China.

Adopted.

#### GENERAL FILE.

The claim of Peter Lothian, for amount of reward paid by him as

Sheriff of Humboldt County—was taken up, and by a vote of the Senate, rejected.

Senate bill No. 30, an Act reimbursing certain moneys expended by A. M. Rosborough, as Court costs in the action entitled 'The People ex rel. R. L. Westbrook—was indefinitely postponed.

On motion of Mr. Burnell, at twenty minutes past one o'clock, p. m., the Senate adjourned until eleven, A. M., to-morrow.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, January 29th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Absent—Mr Thomas.

Journal of yesterday read and approved.

On motion of Mr. Perkins, the Sergeant-at-Arms was instructed to procure for him a desk.

## REPORTS.

Mr. Kutz, from the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT :—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 26, an Act defining the boundaries of Humboldt County, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

KUTZ, Chairman.

Mr. Banks, from the Committee on Corporations, made the following report :

MR. PRESIDENT :—The Committee on Corporations, to whom was referred Senate bill No. 32, an Act to amend an Act entitled an Act to amend section one hundred and seventy-nine of an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March seventh, eighteen hundred and fifty-nine, having carefully considered the same, ask leave to report it back, with a substitute, and recommend the passage of the substitute.

BANKS, Chairman.

Mr. Heacock, of the Sacramento delegation, made the following report :

Mr. PRESIDENT:—The Sacramento delegation, to whom was referred Senate bill No. 9, have had the same under consideration, and report it back, and recommend its passage.

HEACOCK,  
NIXON.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Shafter, for an Act to empower the Board of Supervisors of the City and County of San Francisco to alter the grade of Front street in said city.

Read first and second times, and referred to the San Francisco delegation.

Also, an Act to modify the grade of certain streets in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Heacock, for an Act to authorize the Warden of the county jail of the City and County of Sacramento to appoint Deputies, and to provide for the payment of the salaries thereof.

Read first and second times, and referred to Sacramento delegation.

By Mr. De Long, for an Act to authorize the executors of the will of John Wilson, late of San Luis Obispo County, deceased, to sell personal property, to pay debts, discharge the current expenses attendant upon the administration of his estate, and to support testator's family.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. De Long, the Committee on Public Buildings had leave of absence until Monday next.

Mr. Perkins presented a petition of certain persons relative to building a wharf at the foot of Howard street, in San Francisco.

Referred to Committee on Commerce and Navigation.

#### GENERAL FILE.

Senate bill No. 26, an Act defining the boundaries of Humboldt County—considered as in Committee of the Whole, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 32, an Act supplemental to an Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto—substitute adopted, and read first and second times.

Senate bill No. 9, an Act relating to the payment of the salary of the Assistant or Deputy Clerk of the Clerk of the Board of Supervisors of the City and County of Sacramento—considered as in Committee of the Whole, and ordered engrossed.

Mr. Van Dyke, by leave, introduced a bill for an Act for the relief of Peter Lothian, former Sheriff of Humboldt County.

Read first and second times, rules suspended, considered as in Committee of the Whole, rules further suspended, bill considered engrossed, read third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :



## ASSEMBLY CHAMBER.

January 29th, 1862. }

MR. PRESIDENT:—In Assembly, yesterday, the Senate substitute for Senate bill No. 16, relative to temporary residence of State officers, was amended and passed, and the Assembly ask the concurrence of the Senate in the amendments.

W. N. SLOCUM,

Assistant Clerk.

On the motion to concur in the Assembly amendments to Senate bill No. 16, above reported, the ayes and noes were demanded by Messrs. De Long, Williamson, and Pacheco, with the following result:

AYES—Messrs. Burnell, Denver, De Long, Doll, Gallagher, Harvey, Heacock, Irwin, Lewis, Nixon, Parks, Quint, Shurtleff, and Williamson—14.

NOES—Messrs. Baker, Banks, Bogart, Chamberlain, Crane, Harriman, Hathaway, Hill, Holden, Kutz, Merritt, Oulton, Pacheco, Perkins, Porter, Powers, Rhodes, Soule, Van Dyke, Vineyard, and Warmcastle—21.

Mr. Harvey moved to reconsider the vote by which the resolution allowing the Committee on Elections to send for persons and papers in the contested election case before them, was yesterday adopted.

The ayes and noes were demanded by Messrs. Denver, Powers, and Hathaway, and the motion was carried by the following vote:

AYES—Messrs. Baker, Bogart, Burnell, Denver, De Long, Doll, Gallagher, Harvey, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Parks, Pacheco, Perkins, Shurtleff, Vineyard, Warmcastle, and Williamson—21.

NOES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Kimball, Kutz, Nixon, Oulton, Porter, Powers, Rhodes, Soule, and Van Dyke—15.

Mr. Harvey offered the following amendment: "Provided the time allotted the committee for procuring such testimony and papers shall not exceed three weeks from the present date."

Adopted.

On motion of Mr. Crane, Mr. Cavis was invited within the bar of the Senate to make his statement in regard to the contested election case in which he is the contestant.

Mr. Cavis addressed the Senate in pursuance of the above motion.

On the adoption of the resolution, Messrs. Perkins, Powers, and Hathaway, demanded the ayes and noes, and it was adopted by the following vote:

AYES—Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Crane, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Hill, Holden, Kimball, Kutz, Nixon, Oulton, Pacheco, Perkins, Porter, Powers, Rhodes, Soule, Shurtleff, Van Dyke, and Warmcastle—26.

NOES—Messrs. Denver, De Long, Merritt, Parks, and Williamson—5

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
January 29th, 1862. }

Mr. PRESIDENT:—The Assembly have concurred in Senate concurrent resolution No. 14, relative to assuming collection and payment of the direct tax;

Also, have concurred in Senate concurrent resolution No. 15, relative to locating certain sections of public lands;

Also, have concurred in Senate concurrent resolution No. 16, relative to a mail route to China and Japan;

Also, have refused to recede from Assembly amendments to Senate substitute for Senate bill No. 16, and have appointed Messrs. Ames, Maclay, and Meyers, a Committee of Free Conference on the part of the Assembly, and ask the appointment of a like committee on the part of the Senate.

W. N. SLOCUM,  
Assistant Clerk.

Messrs. Porter, Shurtleff, and Merritt, were appointed a Committee of Free Conference on the part of the Senate on the disagreeing vote of the two Houses on substitute for Senate bill No. 16, above reported.

Mr. Merritt offered the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Senate is hereby directed to have made such repairs of the desks and other furniture of the Senate as may be necessary.

Mr. Gaskill moved as an amendment: "And that the expense shall not exceed twenty-five dollars."

The resolution as amended was then adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Nixon, for an Act granting the right to construct and maintain a bridge across the American River, near Folsom, in the County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Burnell, for an Act in relation to public roads in the County of Amador, and to the road fund of said county.

Read first and second times, and referred to the Amador delegation.

Mr. Denver, from the Joint Committee on Printing, made the following report:

Mr. PRESIDENT:—The Joint Committee on Printing, to whom was referred the subject of the proper number of copies of the reports of the various State officers to be printed, report the accompanying resolution.

A. ST. C. DENVER,  
R. F. PERKINS,  
B. W. HATHAWAY,  
Senate Committee.  
C. W. DANA,  
W. H. SEARS,  
C. N. THORNBURY,  
House Committee.

The concurrent resolution relative to printing reports of State officers, above reported, was adopted.

At two o'clock, P. M., on motion of Mr. Williamson, the Senate adjourned until eleven o'clock, A. M., to-morrow.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, January 30th, 1862. }

Senate met pursuant to adjournment.

President, pro tem. in the Chair.

Roll called.

Quorum present.

Absent—Messrs. Thomas and Vineyard.

Journal of yesterday read and approved.

### REPORT.

Mr. Nixon made the following report:

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Senate bill No. 46, have had the same under consideration, and report it back, and recommend its passage.

NIXON,  
HEACOCK,  
Sacramento Delegation.

On motion of Mr. Nixon, the rules were suspended, and Senate bill No. 46, above reported, was considered as in Committee of the Whole.

### IN SENATE.

Bill reported with an amendment, amendment adopted, rules further suspended, bill considered engrossed, read third time, and passed.

MR. PRESIDENT:—The Sacramento delegation, to whom was referred Senate bill No. 41, have had the same under consideration, and report the same back, and recommend its passage.

HEACOCK,  
NIXON,  
Sacramento Delegation.

The rules were suspended, and Senate bill No. 41, above reported, was taken up, and considered as in Committee of the Whole.

## IN SENATE.

Bill reported with an amendment, amendment adopted, rules further suspended, bill considered engrossed, read third time, and passed.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Holden, for an Act to amend an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for the location and sale of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine, approved April twenty-second, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Banks, for an Act to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to provide for the representation of this State at the International Exhibition of the works of industry and art, to be held at London, on the first day of May, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Shafter, for an Act to authorize Benjamin F. Washington to dispose of certain interests in a house and lot in San Francisco.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Lewis, for an Act to grant the right to construct a bridge across the Mokelumne River, at a point known as Big Bar, in Calaveras County, and to construct and maintain a road from near Mokelumne Hill to the village of Butte, in Amador County, to Luis Locher and others.

Read first and second times, and referred to the Calaveras delegation.

By Mr. Hathaway, for an Act to extend the time for completing the foundation and basement walls of the State Capitol building, in the City of Sacramento.

Read first and second times, and referred to the Committee on Public Buildings.

By Mr. Soule, for an Act to establish pilots and pilot regulations for the Port of San Francisco ;

Also, for an Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Port of San Francisco, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times, and referred to Committee on Commerce and Navigation.

## RESOLUTIONS.

Mr. Perkins offered the following resolution :

*Resolved*, That the President of the Senate be directed to invite the



various clergymen of the City and County of San Francisco to officiate in rotation as Chaplains of the Senate during the present session.

Mr. Gallagher moved that the resolution be laid upon the table.  
Carried.

Mr. Crane introduced the following resolution :

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and required to employ Thomas H. Lochr, as his Deputy and Special Messenger, to proceed to Aurora, in the County of Mono, to serve the summons for the production of papers and the attendance of witnesses before the Committee on Elections of this Senate, in the case of Joseph M. Cavis, contestant, *vs.* Leander Quint, respondent.

Adopted.

Substitute for Senate bill No. 32, for an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto — was taken up from general file, considered as in Committee of the Whole, reported without amendment, and ordered engrossed.

The following communication was received from the State Treasurer :

STATE OF CALIFORNIA, TREASURY DEPARTMENT. }  
Sacramento, January 28th, 1862. }

*To the Senate of California :*

Your resolution of January twenty-second, eighteen hundred and sixty-two, has just arrived at this office, asking as to the amount of money that has been received at the State Treasury from Fishing Licenses.

So far as the books of this office show, no money from that source has ever been received.

It is presumed the Act for the protection of Fisheries, approved April twenty-eighth, eighteen hundred and sixty, was intended to furnish a position to certain persons, and was not expected to furnish much revenue to the State. Such being the intention, the law has been eminently successful, for of four thousand dollars worth of licenses issued by the Controller, no profit has come to the State, and it is reasonable to suppose that the moneys received from this source have been carefully husbanded by the collecting officers.

Were this the only office expected only to benefit the holder, it might attract peculiar attention, but some more profitable ones exist, seemingly based upon the same idea, and surely administered to the same result.

Hence, unless sinecures, and places requiring little capacity to collect considerable money, are to be altogether eschewed, the failure of the State to receive funds from this source may be borne in a very lenient and charitable spirit.

Yours, etc.,

D. R. ASHLEY, State Treasurer.

Mr. Perkins moved that the above communication be ordered printed.  
Carried.

Mr. Lewis moved to reconsider the vote just taken.

Upon which, Messrs. Perkins, Crane, and Holden, demanded the ayes and noes, and the vote was reconsidered, as follows :

AYES—Messrs. Baker, Banks, Bogart, Denver, Doll, Gallagher, Harvey, Hill, Holden, Lewis, Oulton, Parks, Van Dyke, and Warmcastle—14.

NOES—Messrs. Chamberlain, Crane, Hathaway, Kimball, Kutz, Nixon, Perkins, Powers, Rhodes, and Soule—10.

The question was then put upon the motion of Mr. Perkins.

Lost.

On motion of Mr. Van Dyke, the communication of the Treasurer was referred to the Committee on Commerce and Navigation.

#### REPORT.

The report of the Committee on Rules, and the amendments submitted by them, were taken up, and considered as in Committee of the Whole. The following Rules, as amended, were reported to the Senate, and adopted :

##### I.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

##### II.

After the reading and approving of the Journal, the order of business shall be as follows :

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Second Reading and Commitment of Bills.
7. Introduction and First Reading of Bills.
8. Motions, Resolutions, and Notices.
9. Business on the General File and Third Reading of Bills.
10. Unfinished Business of the Preceding Day.
11. Special Orders of the Day. •
12. Reports from the Committees on Enrolment and on Engrossment shall at all times be in order.

##### III.

Messages from the Governor, State Officers, and from the Assembly may be considered at any time.

##### IV.

All bills, after the second reading, (if the same be not committed, but if committed, then upon being reported,) shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

##### V.

All questions relating to the priority of business shall be decided without debate.

## VI.

When the reading of a paper is called for, (except petitions,) and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate.

## VII.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order :

1. To Adjourn.
2. For a Call of the Senate.
3. To Lay on the Table.
4. To Postpone to a Day certain.
5. To Commit.
6. To Amend.
7. To Postpone Indefinitely.

## VIII.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President ; but such substitute shall not lose the right of voting on any question while so presiding.

## IX.

Every Senator, when he speaks, shall, standing in his place, address the President ; and when he has finished, he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave ; and Senators who have once spoken shall not again be entitled to the floor, (except for explanation,) to the exclusion of another who has not spoken.

## X.

When two or more members rise at once, the President shall name the member who is to speak first.

## XI.

No motion shall be debated until the same be seconded and distinctly announced by the President ; and it shall be reduced to writing, if desired by the President or any member, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

## XII.

Every bill shall be introduced by giving at least one day's previous notice, or by order of the Senate, on report of a Committee, unless the Senate unanimously consent.

## XIII.

Every bill shall receive three readings, previous to its being passed. The President shall give notice at each, whether it be the first, second, or

third; which reading shall be on different days, unless the Senate, by a two-thirds vote, direct otherwise; *provided*, that upon the first reading of a bill, if no objection be made, it may, without delay, be read a second time by title, and be committed, or placed on the general file. No bill shall be amended or committed until twice read.

## XIV.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate, at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question, in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

## XV.

All committees of the Senate, and all joint committees on the part thereof, shall be appointed by the President, or, in his absence, by the President *pro tem.*, or, in the absence of both, by the acting President.

## XVI.

The Rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

## XVII.

When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate, by any member. If a member be called to order for words spoken, the exceptionable language shall immediately be taken down in writing.

## XVIII.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned. The President, or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person, to



whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or of any county in the State.

### XIX.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions, except a motion to adjourn; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; nor after the usual message shall have been sent from the Senate announcing its decision; nor shall any motion for a reconsideration of a vote making a final disposition of any bill or resolution be made on the day on which the same was taken; nor shall any question be reconsidered more than once. No notice of intention to move a reconsideration shall be given on the day next preceding the last day of the session.

### XX.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

### XXI.

The following Standing Committees shall be appointed :

1. Committee on Claims, to consist of five members.
2. Committee on Finance, to consist of five members.
3. Committee on Judiciary, to consist of seven members.
4. Committee on Elections, to consist of five members.
5. Committee on Public Lands, to consist of five members.
6. Committee on Commerce and Navigation, to consist of five members.
7. Committee on Federal Relations, to consist of five members.
8. Committee on State Hospitals, to consist of five members.
9. Committee on Mines and Mining Interests, to consist of seven members.
10. Committee on State Prison and Public Buildings, to consist of seven members.
11. Committee on Education, to consist of five members.
12. Committee on State Library, to consist of three members.
13. Committee on Mileage, to consist of three members.
14. Committee on Counties and County Boundaries, to consist of five members.
15. Committee on Corporations, to consist of five members.
16. Committee on Agriculture, to consist of five members.
17. Committee on Public Printing, to consist of five members.
18. Committee on Roads and Highways, to consist of three members.
19. Committee on Contingent Expenses of Senate, to consist of five members.
20. Committee on Military Affairs, to consist of five members.
21. Committee on Public Expenditures, to consist of five members.

- 22. Committee on Public Morals, to consist of five members.
- 23. Committee on Engrossed Bills, to consist of six members.
- 24. Committee on Enrolled Bills, to consist of six members.
- 25. Committee on Internal Improvements, to consist of five members.
- 26. Committee on Swamp and Overflowed Lands, to consist of five members.

## XXII.

When an amendment to the Constitution, or any bill requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

## XXIII.

On a motion made and seconded, to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons, except the members, Secretaries, Sergeant-at-Arms, and Doorkeeper, of the Senate, to withdraw, and during the discussion of said motion, the doors shall remain closed, and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secrecy shall be enjoined, by order of the Senate.

## XXIV.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

- 1. The Committee of the whole Senate.
- 2. A Standing Committee.
- 3. A Select Committee.

## XXV.

The Committee on Engrossed Bills shall examine all bills, amendments, and resolutions, before they go out of the possession of the Senate, and make report.

## XXVI.

In all cases not provided for by these Rules, parliamentary practice, as laid down in Jefferson's *Manual*, is hereby adopted.

## XXVII.

The time of the meeting of the Senate shall be eleven, A. M., of each day, (Sunday excepted;) and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

## XXVIII.

The rooms, passages, and buildings, set apart for the use of the Senate, shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, bills,

etc., of the Senate. He shall see that all officers of the Senate perform their respective duties. He shall have the power to appoint the necessary pages and porters of the Senate. Places may be assigned to Reporters by the President.

## XXIX.

When any member is absent without the bar of the Senate, when his name is called, on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present; nor shall a member be counted on a division of a vote, who is absent without the bar of the Senate without leave.

## XXX.

No rule shall be suspended without the concurrence of two-thirds of the members present, and no additional rule, or amendment of a rule, shall be made without giving at least one day's notice, and the concurrence of two-thirds of the members present.

## XXXI.

All bills on a second reading shall be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the Standing Rules, unless otherwise ordered.

## XXXII.

The final question upon the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be—"Shall it be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of any such bill, to move its commitment under special instructions.

## XXXIII.

The titles of bills, and such parts thereof only, as shall be affected by proposed amendments, shall be inserted in the Journal.

## XXXIV.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted in the Journal.

## XXXV.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

## XXXVI.

The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote, upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to the decision of the main question.

## XXXVII.

In case of a disturbance, or disorderly conduct in the lobbies, the President, (or Chairman of the Committee of the whole Senate,) shall have power to order the same to be cleared.

## XXXVIII.

On a motion for the previous question, and under the previous question, there shall be no debate. And all incidental questions of order arising after a motion is made for the previous question, or while acting under the previous question, shall be decided, whether on appeal or otherwise, without debate.

## XXXIX.

A President *pro tem.* shall be elected, who shall, in the absence of the President, take the Chair, and call the Senate to order, at the hour of the meetings of the Senate, and have the same power as the President, but the President *pro tem.* shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

## XL.

A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for travelling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and if required so to do, to draw the money on such checks for the members, (the same being previously signed by the President, and indorsed by the member or person to whom the check is made,) and pay over the same to the member or person entitled thereto.

## XLI.

No bill, or other matter, shall be printed, without first being specially ordered by the Senate, and the Sergeant-at-Arms shall certify to the re-



ception by the Senate of all such printed matter, and the quantity, before payment shall be made or bills audited; and maps, accompanying documents, shall not be printed under the general order to print, without the special direction of the Senate.

## XLII.

Two hundred and forty (240) copies shall be printed of each document, or other matter ordered, unless the Senate specially direct a different number.

## XLIII.

In filling up blanks, the least sum or number, and the shortest time shall be first put.

## XLIV.

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, members of the Assembly, officers of the two Houses, and such Reporters as have had seats assigned them by the President, from coming within the bar of the Senate, unless invited by the Senate through the President, and to arrest for contempt all persons outside of the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

## XLV.

When, by order of the Senate, any Senate bill shall have been considered engrossed and passed, it shall be the duty of the Committee on Engrossed Bills to cause the same to be correctly engrossed and reported to the Senate; the engrossed copy to be reported to the Assembly, and the original retained by the Senate.

## XLVI.

When nominations shall be sent by the Governor to the Senate for their confirmation, a future day shall be assigned for their consideration, unless the Senate shall unanimously direct otherwise.

## XLVII.

The General File shall be the special order for each day, at 12 o'clock, M. It shall be considered at least two hours, if the Senate remain so long in session, as long as there is any business on the file, and this order shall take precedence of all other orders.

## XLVIII.

No committee, (Standing or Special,) shall elect a Clerk or Sergeant-at-Arms, without first obtaining the consent of the Senate.

## XLIX.

No claim shall be paid out of the Contingent Fund of the Senate, until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

## L.

The Secretary shall post, each morning, in a conspicuous place, a list of all bills upon the General File, giving their order, and also setting forth their number and so much of their title as necessary to enable Senators to understand their general purport.

## LI.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

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 JOINT RULES.

## I.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committees shall meet at a convenient hour to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses for their action.

## II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

## III.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

## IV.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

## V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the Assembly or of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

## VI.

When bills are enrolled, they shall be examined by the Enrolling Committee of the House in which they originate, who shall carefully compare the enrolment with the engrossed bill, as passed in the two Houses, and

correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated.

## VII.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

## VIII.

After a bill shall have thus been signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated, to the Governor of the State, for his approval, (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated.) The said Committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

## IX.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

## X.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

## XI.

When a bill or resolution, which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

## XII.

When a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two thirds of that House in which it shall be renewed.

## XIII.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

## XIV.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

## XV.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

## XVI.

No appropriations of money, for any purpose whatever, shall be made, except by bill.

## XVII.

Each House may order the printing of bills introduced, and reports of its own committees, but no other printing shall be ordered except by a Concurrent Resolution passed by both Houses.

## XVIII.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

## XIX.

No spiritous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes, or is under the control of this Legislature.

## XX.

No increase of the pay of any officer or attaché of the Senate or Assembly shall be made by resolution except by unanimous consent.

## XXI.

All Concurrent or Joint Resolutions which relate to or contain communications to the Federal Government, shall be treated in all respects as Bills.

Mr. Powers, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 35, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco, to procure chambers for the Judges of certain Courts, passed April fifteenth, eighteen hundred and sixty-one ;

Also, Senate bill No. 9, an Act relating to the payment of the salary of the Assistant or Deputy Clerk of the Clerk of the Board of Supervisors of the City and County of Sacramento, and report the same correctly engrossed.

POWERS, of the Committee.

Mr. Parks presented certain accounts of the Sergeant-at-Arms, which were read and referred to the Committee on Contingent Expenses.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Banks, for an Act amendatory of and supplemental to an Act entitled an Act concerning passengers arriving in the ports of this State,



approved May third, eighteen hundred and fifty-two, and the several Acts amendatory thereof and supplemental thereto.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Also, for an Act appropriating certain moneys for the benefit of certain Orphan Asylums in this State.

Read first and second times, and referred to the Committee on Finance.

By Mr. Powers, for an Act creating the Eighteenth Judicial District.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Crane, for an Act limiting the time for the commencement of actions on judgments rendered or recovered in any Court of Justice of this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bogart, for an Act providing for the holding of a special term of the District Court in the First Judicial District in and for the County of San Diego.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Soule, for an Act to suspend, until the ensuing session of the Legislature, the construction of the State Capitol now in process of construction in the City of Sacramento.

Read first and second times, and referred to the Committee on Public Buildings.

#### RESOLUTIONS.

Mr. Banks offered a concurrent resolution relative to the Alcalde Grant bill.

Adopted.

Also, a concurrent resolution relative to the index of Journals.

Adopted.

Mr. Vineyard was granted indefinite leave of absence.

At ten minutes past two o'clock, p. m., on motion of Mr. Parks, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER.

Friday, January 31st, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Absent—Messrs. Merritt, Pacheco, and Thomas.

Journal of yesterday read and approved.

Messrs. Banks, Merritt, and Soule, were appointed a committee, in accordance with concurrent resolution No. 18, relative to the Alcalde Grant bill of last session.

#### PETITIONS.

Mr. Powers presented a petition in reference to the Sunday law.

Referred to Committee on Public Morals.

Mr. Soule presented a petition in reference to Pilot law.

Referred to Committee on Commerce and Navigation.

Mr. Parks gave notice of an amendment to the Thirty-Second Standing Rule.

Mr. Parks, from the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims have had under consideration Senate bill No. 38, being an Act for the delivery of certain War Bonds to Nathaniel T. Cutler, and report the same back, with a substitute, and recommend the passage of the substitute;

Also, have had under consideration Senate bill No. 18, for expenses incurred in the suppression of Indian hostilities in the County of Humboldt, in this State, amounting to sixteen thousand three hundred and eighty-two dollars and sixty cents, and report the bill back, with an amendment, and recommend the passage of the bill as amended.

Amend by striking out the fourth section.

PARKS, Chairman.

Senate bill No. 18, above reported, was considered in Committee of the Whole, reported with an amendment, amendment adopted, and ordered engrossed.

Senate bill No. 38, above reported, substitute recommended by the Committee adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed.

#### REPORTS.

Mr. Soule, from the Committee on Commerce and Navigation, reported back Senate bill No. 22, and recommended its reference to the San Francisco delegation.

The bill was so referred.

Mr. Lewis, from the Calaveras delegation, made the following report:

MR. PRESIDENT:—The delegation from Calaveras, to whom was referred Senate bill No. 55, an Act to grant the right to construct a bridge across the Mokelumne River at a point known as Big Bar, in Calaveras, and to construct and maintain a road from Mokelumne Hill to the village of Butte, in Amador County, to Louis Lochr and others—beg leave to report the same, and recommend its passage.

W. T. LEWIS,  
P. A. GALLAGHER.

Mr. Powers, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 46, an Act granting the right to construct and maintain

a bridge across the American River, near Folsom, in the County of Sacramento;

Also, Senate bill No. 41, entitled an Act to authorize the Warden of the county jail of the City and County of Sacramento to appoint Deputies and to provide for the payment of the salaries thereof;

Also, substitute for Senate bill No. 32, entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto—and report the same correctly engrossed.

#### POWERS, of the Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Irwin, for an Act for the relief of W. D. Sawyer.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Banks, for an Act to authorize the Governor of the State to convey certain real estate.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Chamberlain, for an Act to amend an Act entitled an Act concerning Agricultural Societies, approved March twelfth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Committee on Corporations.

On motion of Mr. Parks, the papers of Mr. Cornwall, before the Committee on Claims, were allowed to be withdrawn.

On motion of Mr. Banks, the Finance Committee were requested to report back Senate bill No. 19, an Act to provide for the relief of the sufferers by the flood.

Mr. Powers moved that the vote by which Senate bill No. 58, an Act creating the Eighteenth Judicial District, was referred to the Judiciary Committee, be reconsidered, and the bill referred to the Senators from the Seventh Judicial District.

On a division of the question, the motion to reconsider was lost.

Mr. Parks, by unanimous consent, offered the following amendment to the Standing Rules. Strike out the Thirty-Second Rule, and insert the following:

“The final question upon the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be, ‘Shall it be engrossed and read a third time?’ and no amendment shall be received at the third reading of any bill, but it shall at all times be in order, before the final passage of any such bill, to move its commitment, under special instructions.”

Adopted.

#### GENERAL FILE.

Senate bill No. 9, an Act relating to the payment of the salary of the Assistant or Deputy Clerk of the Clerk of the Board of Supervisors of the City and County of Sacramento—was read third time, and passed.

Senate bill No. 55, an Act to grant the right to construct a bridge across the Mokelumne River at a point known as Big Bar, in Calaveras County, and to construct and maintain a road from Mokelumne Hill to the village of Butte, in Amador County, to Louis Lochr and others—was recommitted to Senators from Calaveras and Amador.

Substitute for Senate bill No. 32, an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof, and supplementary thereto—was read third time, and passed.

#### RESOLUTIONS.

Mr. Banks offered the following resolution :

*Resolved*, That the Lieutenant-Governor be and he is hereby authorized to appoint an additional Porter, who, with the Porters already appointed, shall attend to the Senate Chamber and the committee rooms of the Senate.

Lost.

Mr. Holden offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be required to procure from the State Librarian such books as may be ordered by Senators, if in the State Library, the expenses to be paid out of the Contingent Fund of the Senate.

Lost.

Mr. Porter, from the Committee of Free Conference on substitute for Senate bill No. 16, an Act to fix the temporary residence of the State officers of this State, and to repeal all laws in conflict therewith, made the following report :

MR. PRESIDENT:—The undersigned, a majority of your Committee of Free Conference, to whom was referred the disagreeing votes of the two Houses on substitute for Senate bill No. 16, have had the same under consideration, and recommend as follows :

*First*—That the Assembly recede from amendments to sections one, two and three, marked respectively, A, B, and C.

*Second*—That the Senate concur in Assembly proviso to section three, marked D.

*Third*—That the Assembly recede from amendment to title.

*Fourth*—Your Committee recommend that the Senate and Assembly amend section one of the original bill, by inserting the words "Attorney-General" after the words "Adjutant-General," in line three, section one, of the original bill.

Your Committee deem it indispensable, as a source of information to correct and speedy legislation, that the offices of the State officers should be near and accessible to the Legislature.

GEORGE K. PORTER,

Chairman of Senate Committee,

SAMUEL A. MERRITT,

BENJAMIN SHURTLEFF,

T. M. AMES,

Chairman of Assembly Committee,

C. MACLAY.



The above report was adopted, and the Secretary notified to inform the Assembly of the action of the Senate.

Mr. Irwin presented certain accounts of the Sergeant-at-Arms.

Referred to the Committee on Contingent Expenses.

At one o'clock, P. M., on motion of Mr. Lewis, the Senate adjourned.

J. McM. SHAFER.

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Saturday, February 1st, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Warmcastle was granted two days leave of absence.

## REPORTS.

Mr. Rhodes, from the Judiciary Committee, made the following reports:

MR. PRESIDENT:—The Judiciary Committee beg leave to report, that they have had under consideration Senate bill No. 20, Amendments to the Constitution, and recommend that the same be amended as follows:

Page 3, Article 4, Section 39. Strike out the words: "And agreed to by the Legislature of eighteen hundred and sixty-two."

Article 5, Section 19. Strike out the words: "And agreed to by the Legislature of eighteen hundred and sixty-two."

Article 6, Section 19. Strike out the words: "And agreed to by the Legislature of eighteen hundred and sixty-two."

And recommend the passage of the same as amended.

RHODES, Chairman.

MR. PRESIDENT:—The Judiciary Committee beg leave to report, that they have had under consideration Senate bill No. 63, an Act for the relief of W. D. Sawyer. The Committee recommend the indefinite postponement of the same, because said bill does not seem to have been presented and passed upon by the State Board of Examiners.

RHODES, Chairman.

MR. PRESIDENT:—The Judiciary Committee beg leave to report, that they have had under consideration Senate bill No. 27, an Act to repeal an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April thirtieth, eighteen hundred and fifty-five, and respectfully recommend that the same be indefinitely postponed.

RHODES, Chairman.

Mr. PRESIDENT:—The Judiciary Committee beg leave to report, that they have had under consideration Senate bill No. 15, an Act to amend an Act entitled an Act supplementary to an Act concerning Courts of Justice and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, approved May eighteenth, eighteen hundred and sixty-one, and recommend its passage.

RHODES, Chairman.

The amendments proposed by the Judiciary Committee to Senate bill No. 20, above reported, were adopted, and the bill ordered engrossed, and read a third time.

Senate bill No. 63, above reported, was recommitted to the Judiciary Committee.

Senate bill No. 15, above reported, was, the rules being suspended, considered engrossed, read third time, and passed.

Senate bill No. 27, an Act to repeal an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April thirtieth, eighteen hundred and fifty-five, above reported, was indefinitely postponed, by the following vote, the ayes and noes being demanded by Messrs. Perkins, Denver, and Shurtleff:

AYES—Messrs. Baker, Banks, Bogart, Crane, Doll, Gallagher, Harvey, Harriman, Hathaway, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Porter, Powers, Quint, Rhodes, Soule, Shurtleff, Van Dyke, and Watt—27.

NOES—Messrs. Chamberlain, Denver, and Perkins—3.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 31st, 1862. }

Mr. PRESIDENT:—The Assembly, on the twenty-ninth, concurred in Senate concurrent resolution No. 11, relative to memorializing Congress to create a new Collection District in the northern part of this State;

Also, passed Assembly bill No. 12, to authorize the removal of human remains in Placer County;

Also, yesterday, the Assembly passed Senate bill No. 13, authorizing the District Attorney of Mariposa County to appoint a Deputy;

Also, concurred in Senate concurrent resolution No. 17, relative to printing reports of State officers;

Also, have appointed a committee of three, consisting of Messrs. Warwick, Tilton of San Mateo, and Wright, to act in concert with the Senate State Library Committee, to examine the extent of its present damages and wants.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 12, above reported, was read first and second times, and referred to the Placer delegation.

The Assembly amendments to Senate bill No. 13, above reported, were concurred in.

The Senate concurred in the third Assembly amendment to Senate concurrent resolution No. 17, above reported, and refused to concur in Assembly amendments Nos. 1, 2, and 4.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Soule, for an Act providing for an Attorney and Counsellor in and for the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Pacheco, for an Act to grant the right to construct a turnpike road from the Great Bend of the Mohave River, in the County of San Bernardino, through Williamson's Pass, to the Pacific coast, at or near the town of Buena Ventura, in the County of Santa Barbara.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Banks, for an Act to exempt insurance companies organized in this State from paying a stamp tax.

Read first and second times, and referred to the Committee on Finance.

Also, for an Act to authorize the State Librarian to have certain books in the State Library repaired.

Read first and second times, and referred to the State Library Committee.

By Mr. Shafter, for an Act for the punishment of trespassers.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Crane, for an Act concerning chattel mortgages.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

#### RESOLUTIONS.

Mr. Crane offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be directed to furnish each Newspaper Reporter on the floor of this House with two copies of each printed document, and such stationery as they may require as such Reporters.

Adopted.

Mr. Van Dyke offered a concurrent resolution relative to Indian Affairs.

Adopted.

Mr. Shafter offered a concurrent resolution, asking Congress to extend certain laws relative to the protection of Indians to California.

Read first and second times, and referred to the Committee on Military Affairs.

The President pro tem. presented a communication in regard to the Postage and Express Fund.

Referred to the Committee on Public Expenditures.

Mr. Irwin presented the account of Houseman & McManus, for covering street with sawdust.

Referred to the Committee on Contingent Expenses.

#### REPORTS.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee beg leave to report that they have had under consideration Senate bill No. 44, an Act to authorize the executors of the will of John Wilson, deceased, late of the County of San Luis Obispo, to sell personal property, to pay debts, discharge the current expenses attendant upon the administration of the estate, and to support testator's family, and recommend the same be indefinitely postponed.

RHODES, Chairman.

Senate bill No. 44, above reported, was indefinitely postponed.

Mr. Powers, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 59, an Act providing for the holding of a special term of the District Court in the First Judicial District in and for the County of San Diego; also, Senate bill No. 26, an Act defining the boundary of Humboldt County, and report the same correctly engrossed.

POWERS, of the Committee.

Mr. Banks, from the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 62, an Act to amend an Act entitled an Act concerning Agricultural Societies, approved March twelfth, eighteen hundred and fifty-nine, beg leave to report the same, and recommend its passage.

BANKS, Chairman.

Senate bill No. 62, above reported, was taken up, considered as in Committee of the Whole, ordered engrossed, and read the third time.

Mr. Rhodes, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:—Your Committee on Judiciary have had under consideration Senate bill No. 11, an Act relating to the collection of delinquent taxes, and respectfully recommend the adoption of the substitute therefor herewith reported.

RHODES, Chairman.

The substitute for Senate bill No. 11, above reported, was adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Van Dyke, the vote by which Senate bill No. 18 was on yesterday ordered engrossed, was reconsidered, and, the rules



being suspended, the bill was considered engrossed, read third time, and passed.

Mr. Oulton offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to proceed to Sacramento, for the purpose of drawing the Controller's warrants for per diem of members and attachés of the Senate.

Lost.

#### REPORT.

Mr. Irwin, from the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT:—Your Committee on Contingent Expenses have examined the following bills, and respectfully recommend their payment :

Names.	Amount.
Bill of J. D. Farwell—flag .....	\$34 50
Bill of Oliver Dale.....	100 00
Bill of W. H. Keith.....	1 50
Bill of Callahan & Sanderson—crockery....	7 50
Bill of Elam & Howes.....	17 50
Bill of G. W. Hume—boat hire.....	90 00
Bill of William Wilson—boat hire .....	30 00
Bill of G. W. Hume—boat hire .....	30 00
Bill of N. B. Kendall—boat hire .....	30 00
Bill of A. McIntosh—boat hire.....	30 00
Bill of Powell—boat hire.....	10 00
Bill of Kendall (January 29th)—boat hire .....	50 00
Bill of McIntosh—boat hire.....	170 00
Bill of Henry Budd—boat hire.....	10 00
Bill of Charles Uhrig—one week's pay as Sergeant-at-Arms of Senate, seven days at \$8 .....	56 00
Total.....	\$667 00

And have rejected the claim of J. P. Sharkey, amounting to twenty-four dollars.

RICHARD IRWIN, Chairman.

On motion of Mr. Parks, the report was amended so as to allow Mr. Uhrig pay for two days at six dollars per day.

The report as amended was then adopted.

At ten minutes past one o'clock, P. M., on motion of Mr. Denver, the Senate adjourned.

J. McM. SHAFTER,

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Monday, February 3d, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Messrs. Powers, Gaskill, and De Long, were granted one day leave of absence each.

Mr. Perkins presented a remonstrance of citizens of San Francisco against changing the grade of certain streets.

Referred to the San Francisco delegation.

Mr. Denver presented a communication from the Controller in relation to the contingent expenses of his office.

Referred to the Committee on Contingent Expenses.

## REPORTS.

Mr. Heacock made the following report:

Mr. PRESIDENT:—The Committee of Conference, to whom was referred Senate concurrent resolution No. 3, relative to the appointment of Louis Callish to clean up in the rear of the State House, report that they have had the same under consideration, and concur in the House amendment striking out the name of Louis Callish and inserting the name of John Clark.

HEACOCK,

Chairman of Senate Committee.

Adopted.

Mr. Perkins, from the Committee on Finance, made the following reports:

Mr. PRESIDENT:—The Committee on Finance, to whom was referred a resolution to allow the Clerk of the Public Building Committee mileage in visiting the State Prison, and one week's per diem, payable out of the Contingent Fund of the Senate—have had the same under consideration, and report to the Senate the accompanying substitute for said resolution, and recommend its passage.

*Resolved*, That the Clerk of the Public Building Committee be allowed one week (seven days) per diem in visiting the State Prison with said Committee, payable out of the Contingent Fund of the Senate.

PERKINS, Chairman.

The substitute reported was concurred in and adopted.

Mr. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 19, an Act entitled an Act to provide for the relief of the sufferers by the flood—have had the same under consideration, and report the same back to the Senate, and recommend its indefinite postponement;

Also, Senate bill No. 31, an Act entitled an Act to extend the time for collecting taxes in the County of San Luis Obispo—and report said bill back to the Senate, and recommend its indefinite postponement.

PERKINS, Chairman.

Senate bill No. 31, above reported, was indefinitely postponed.

Senate bill No. 19, above reported, was taken up. Mr. Quint moved that it be recommitted to a Special Committee of seven, upon which the ayes and noes were demanded by Messrs. Quint, Pacheco, and Heacock, and the motion was lost by the following vote:

AYES—Messrs. Banks, Burnell, Chamberlain, Gallagher, Harvey, Heacock, Nixon, Pacheco, Quint, Soule, and Watt—11.

NOES—Messrs. Baker, Bogart, Crane, Denver, Doll, Harriman, Hathaway, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Oulton, Parks, Perkins, Porter, Rhodes, Shafter, Shurtleff, Van Dyke, and Warmcastle—22.

Upon the question of indefinite postponement, the ayes and noes were demanded by Messrs. Heacock, Shurtleff, and Harriman, and the bill was indefinitely postponed by the following vote:

AYES—Messrs. Baker, Bogart, Burnell, Chamberlain, Crane, Denver, Doll, Gallagher, Harriman, Hathaway, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Oulton, Parks, Perkins, Porter, Rhodes, Shurtleff, Van Dyke, and Warmcastle—24.

NOES—Messrs. Banks, Harvey, Heacock, Nixon, Pacheco, Quint, Shafter, Soule, and Watt—9.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rhodes, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Lewis, for an Act amendatory of an Act entitled an Act amendatory of an Act and supplementary to an Act entitled an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Chamberlain, for an Act to pay to the County of San Joaquin the amount expended by said county in locating lands in lieu of the sixteenth and thirty-sixth sections.

Read first and second times, and referred to the Committee on Claims.

By Mr. Heacock, for an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to provide for the erection of a State Prison at or near the Town of Folsom, in the County of Sacramento.

Read first and second times, and referred to the Committee on Public Buildings.

Also, for an Act to exempt certain property from taxation.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Perkins, for an Act to establish a municipal or inferior Court in the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act supplementary to an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Chamberlain, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Warmcastle, for an Act to establish Pilots and Pilot regulations for the port of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Shafter, for an Act repealing section three hundred and seventy-six of the Criminal Practice Act.

Read first and second times, and referred to the Judiciary Committee.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, )  
January 30th, 1862. }

MR. PRESIDENT :—The Assembly have adopted the report of the Committee of Free Conference relative to the appointment of an extra Porter for the rear of the State House ;

Also, have appointed Mr. Kendall a member of the Committee of Free Conference on the removal of the State officers, in place of Mr. Griswold, resigned, who was appointed in place of Mr. Meyers, excused.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, )  
February 1st, 1862. }

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly, on the thirtieth ultimo, passed Assembly bill No. 20, entitled an Act to provide for the delinquent road poll tax in the County of San Mateo ;

Also, passed Assembly bill No. 21, entitled an Act to provide for the levying and collection of a special road tax in the County of San Mateo ;

Also, yesterday, the Assembly passed Senate bill No. 8, entitled an Act to legalize the levy of State and county taxes for the year eighteen hundred and sixty-two, in the County of San Luis Obispo ;

Also, have passed Senate bill No. 24, entitled an Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a turnpike road between the Town of Jackson and Lone City, in



the County of Amador, approved April fifth, A. D. eighteen hundred and sixty-one ;

Also, have passed Senate bill No. 35, entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to procure chambers for the Judges of certain Courts, passed April fifteenth, eighteen hundred and sixty-one ;

Also, have concurred in Senate concurrent resolution No. 19, concerning index of Journals.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 20, above reported, was read first and second times, and referred to the Committee on Finance.

Assembly bill No. 21, above reported, was read first and second times, and referred to the Committee on Finance.

ASSEMBLY CHAMBER, }  
February 3d, 1862. }

Mr. PRESIDENT :—I am directed to inform the Senate that the Assembly have passed Senate bill No. 46, granting the right to construct and maintain a bridge across the American River, near Folsom, in the County of Sacramento ;

Also, have passed Senate bill No. 41, to authorize the Warden of the county jail of the City and County of Sacramento to appoint Deputies, and to provide for the payment of the salaries thereof.

W. N. SLOCUM,  
Assistant Clerk.

#### RESOLUTIONS.

Mr. Burnell offered the following resolution :

*Resolved*, That the Engrossing Clerk be and is hereby allowed to employ an Assistant, at a per diem of six dollars, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Engrossed Bills.

Mr. Pacheco offered a concurrent resolution relative to examining proposals for translating the laws.

Adopted.

Messrs. Pacheco, Powers, and Porter, were appointed a committee, in accordance with the resolution.

#### REPORT.

Mr. Burnell, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 45, an Act for the relief of Peter Lothian, former Sheriff of Humboldt County ;

Also, Senate bill No. 18, an Act for the payment of expenses incurred in the suppression of Indian hostilities in the County of Humboldt, in this State ;

Also, Senate bill No. 15, an Act to amend an Act entitled an Act supplementary to an Act concerning Courts of Justice and judicial

officers, passed May nineteenth, eighteen hundred and fifty-three, approved May eighteenth, eighteen hundred and sixty-one;

Also, substitute for Senate bill No. 38, an Act to authorize the State Treasurer to issue certain war bonds; and report the same correctly engrossed.

R. BURNELL, Chairman.

Mr. Holden introduced a bill for an Act to provide for transcribing certain records in the Recorder's office of Sonoma County, pertaining to lands in Mendocino County.

Read first and second times, and referred to delegation from Sonoma and Mendocino.

Mr. Porter gave notice that on to-morrow he would move an amendment to the Sixth, Seventh, and Eighth Joint Rules of the Senate and Assembly.

At five minutes past one o'clock, P. M., on motion of Mr. Holden, the Senate adjourned.

J. McM. SHAFTER,  
President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER.  
Tuesday, February 4th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

A communication from the President of the San Francisco Orphan Asylum was read and laid on the table.

Mr. Holden presented a petition of citizens of Mendocino County, asking for the abolishment of the Indian Reservation at Round Valley.

Referred to the Joint Committee on Military Affairs of the Senate and Indian Affairs of the House.

## REPORTS.

Mr. Soule, from the Committee on Commerce and Navigation, made the following report:

Mr. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 28, an Act entitled an Act to repeal certain Acts, have considered the same, report the same back, and recommend its passage;

Also, have considered Senate bill No. 4, an Act to provide for improving McInturf's Port, in Mendocino County, and report a substitute, and recommend the adoption of the substitute.

S. SOULE, Chairman.

Mr. Burnell; from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 62, an Act to amend an Act concerning Agricultural Societies, approved March twelfth, eighteen hundred and fifty-nine ;

Also, substitute for Senate bill No. 11, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and report the same correctly engrossed.

BURNELL, Chairman.

Mr. Rhodes, from the Judiciary Committee, made the following reports :

MR. PRESIDENT :—The Judiciary Committee beg leave to report—that they have had under consideration Senate bill No. 70, and report the same back, with amendments, and recommend its passage as amended.

A. S. RHODES, Chairman.

MR. PRESIDENT :—The Judiciary Committee beg leave to report—that they have had the following bills under consideration, and report upon the same respectively, as follows :

Senate bill No. 72, an Act to exempt certain property from taxation—recommend its indefinite postponement ;

Senate bill No. 76, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto—recommend its indefinite postponement ;

Senate bill No. 79, an Act supplementary to an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplemental thereto—recommend its indefinite postponement ;

Senate bill No. 81, an Act repealing section three hundred and seventy-six of the Criminal Practice Act—report back, with substitute, and recommend the passage of the substitute ;

Senate bill, No. 73, an Act amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five—recommend its passage.

A. S. RHODES, Chairman.

Mr. Irwin presented an account of Jas. Anthony & Co.  
Referred to the Committee on Contingent Expenses.

#### RESOLUTIONS.

Mr. Powers offered the following resolution :

*Resolved*, That R. K. Weston be and he is hereby appointed Assistant Copying Clerk of the Senate, at the same per diem as allowed by law to Copying Clerks, to date from January twelfth, eighteen hundred and sixty-two, payable out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses.

Mr. Heacock offered the following resolution :

*Resolved*, That William Wilson be allowed the sum of sixty dollars for arrears for services as boatman, as per bill herewith submitted, payable out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses.

Mr. Banks offered the following resolution :

WHEREAS, The unrestricted employment of State Prison labor in the different branches of mechanical industry is calculated to greatly retard the commencement and prosecution of manufacturing enterprises in this State with free labor, and

WHEREAS, The true policy of the Government, and especially the interests of the mechanical and manufacturing classes, require that the labor of the convicts should be, by statute, confined to a few of such branches of industry as cannot now be successfully conducted with free labor, so that all may have notice as to the kinds of business in which they may engage, without being liable to ruinous competition with prison labor, by which the comparatively limited market of this State may be supplied in almost any line of manufacture, to the exclusion of free labor from that department of industry, and

WHEREAS, Certain contracts for State Prison labor have been entered into by the authorities of the State, and the experience of the past clearly demonstrates that no rights which may have been acquired by State Prison contractors can safely be interfered with without the tendering of adequate compensation; therefore,

*Resolved*, That the Committee on State Prison and Public Buildings and Grounds be and they are hereby instructed to report, at an early day, the nature of the contracts for State Prison labor, and what branches of industry they embrace.

Referred to Committee on Public Buildings.

Mr. Porter, according to previous notice, moved to amend the Sixth Joint Rule of the Senate, so that it would read as follows :

## VI.

When bills are enrolled, they shall be examined by the Enrolling Committee of the House in which they originate, who shall carefully compare the enrolment with the engrossed bill, as passed in the two Houses, and ascertain that the same are correctly enrolled.

Lost.

Mr. Lewis gave notice that he would, at an early day, introduce a bill, authorizing certain parties to construct a railroad along Montgomery and other streets in the City and County of San Francisco.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Pacheco, for an Act to amend an Act entitled an Act supplementary to an Act to prevent the trespassing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five.



Read first and second times, and referred to the Committee on Agriculture.

By Mr. Van Dyke, for an Act to transfer certain funds.

Read first and second times, and referred to the Committee on Claims.

By Mr. Irwin, for an Act concerning domestic animals running at large in certain places.

Read first and second times, and referred to the Committee on Agriculture.

#### GENERAL FILE.

Senate bill No. 73, an Act amendatory of an Act entitled an Act amendatory of an Act and supplementary to an Act entitled an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-four, approved April thirtieth, eighteen hundred and fifty-five—was ordered printed.

Senate bill No. 81, an Act repealing section three hundred and seventy-six of the Criminal Practice Act—was, with the substitute reported by the Judiciary Committee, made special order for Tuesday, February eleventh, at twelve o'clock, M.

Senate bill No. 70, an Act concerning chattel mortgages—considered as in Committee of the Whole, amendments reported, and bill recommitted to the Judiciary Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, )  
February 4th, 1862. }

MR. PRESIDENT:—I am directed to inform the Senate that the House have passed Assembly bill No. 43, to authorize the corporation of the City of Los Angeles to fund the debt of said city;

Also, have passed Assembly bill No. 44, an Act supplementary to an Act to incorporate the City of Los Angeles;

Also, have concurred in Senate concurrent resolution No. 20, relative to Indian affairs;

Also, have concurred in Senate concurrent resolution No. 18, concerning the Alcalde Grant bill, and have appointed Messrs. Tilton, Avery, and Ames, as a committee on the part of the House, to act with the committee appointed by the Senate;

Also, have resolved to adhere to Assembly amendments to Senate concurrent resolution No. 17, relative to printing reports of State officers, and have appointed Messrs. Shannon, Eagar, and Battles, a Committee of Free Conference on the part of the House, and ask the appointment of a like committee on the part of the Senate.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 43, an Act to authorize the corporation of the City of Los Angeles to fund the debt of said city.

Read first and second times, and referred to the delegation from Los Angeles.

Assembly bill No. 44, an Act supplementary to an Act to incorporate the City of Los Angeles.

Read first and second times, and referred to Los Angeles delegation.

Messrs. Powers, Denver, and Heacock, were appointed a Committee of Free Conference on the disagreeing vote of the two Houses on Senate concurrent resolution No. 17, above reported.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined and found correctly enrolled Senate bill No. 46, an Act granting the right to construct and maintain a bridge across the American River, near Folsom, in the County of Sacramento, and, on the third instant, at two o'clock, P. M., delivered the same to the Governor for his approval.

GEORGE K. PORTER,

Chairman.

Mr. Doll offered the following resolution :

*Resolved*, That the message of Governor Downey, nominating B. Nordheimer as Commissioner of the War Debt, in place of Samuel B. Smith, be referred to the Judiciary Committee, with instructions to report on Saturday next whether there was any vacancy in the office of Commissioner at the time of the appointment of said Nordheimer.

Adopted.

Mr. Merritt, by leave, introduced a bill for an Act to provide for the construction of a railroad and wharf from a point on the San Joaquin River to the coal mines, and a right of way for the same.

Read first and second times, and referred to the Committee on Corporations.

#### RESOLUTIONS.

Mr. Crane introduced the following resolutions :

WHEREAS, The Government of the United States is now involved in a civil war, brought upon the country by aspiring demagogues, and forced, as we believe, upon the people in the seceding States of this Union against the will and contrary to the wishes of a large majority of the people of those States ; and,

WHEREAS, The rebellion, which has occasioned this discord, and threatens the overthrow of the freest and best Government which the world has ever known, is not only without any just cause, but without any excuse whatever, and has for its object the subversion of liberty, the enslavement and disfranchisement of the masses, the upbuilding of a sham and bastard aristocracy, and the blight and ruin of our free institutions and future hopes ; and,

WHEREAS, The people of the State of California are overwhelmingly loyal to the Government of the United States, having amongst us only an insignificant element of treason, and which element is represented by persons of little or no political influence, and is possessed of no power ; be it therefore

*Resolved*, By the Senate, the Assembly concurring, that this State does hereby pledge its faith to sustain the Federal Government by men and money, and in every other feasible and proper way, in the vigorous prosecution of the war against rebels in which she is now engaged, and

until the last rebel shall be disarmed, the last traitor subdued, and the Stars and Stripes shall again wave in triumph over every State and through all the Territories of this Republic.

*Resolved*, That this war should be prosecuted with vigor and decision; that the time for persuasion or hesitation has long since passed, and that any and all means which, by the laws of war, one belligerent may use against another, should be brought to bear for the speedy subjection of this rebellion.

*Resolved*, That the principles involved in this great contest are entirely beyond and above any questions of partisanship, and appeal for their support to the patriotism of the whole people, and that no party or party names should be allowed to distract the counsels or divide the influence of the people; but that so long as a rebel remains to be conquered, or a traitor punished, the patriotic sentiment of the people should be represented by one party only, whose principles and motto should be, Union and fealty to the Government.

Referred to the Committee on Federal Relations, and, on motion of Mr. Warmcastle, were ordered printed.

#### GENERAL FILE RESUMED.

Senate bill No. 72, an Act to exempt certain property from taxation—*indefinitely postponed*.

Senate bill No. 76, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other acts amendatory thereto—*indefinitely postponed*.

On motion of Mr. Holden, at fifteen minutes past two o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, February 5th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Gaskill, Lewis, De Long, Merritt, and Hill, were granted one day's leave of absence each.

Mr. Banks presented a petition relative to the grade of certain streets in San Francisco.

Referred to the San Francisco delegation.

## REPORTS.

Mr. Irwin, from the Committee on Contingent Expenses, made the following reports :

MR. PRESIDENT :—Your Committee on Contingent Expenses, to whom was referred the account of James Anthony & Co., for Sacramento Union, report that they have examined the same, and recommend the payment of the same.

RICHARD IRWIN.

Adopted.

MR. PRESIDENT :—Your Committee on Contingent Expenses, to whom was referred the resolution relative to the appointment of R. K. Weston as Copying Clerk, have had the same under consideration, and report the resolution back to the Senate, and recommend its adoption.

RICH. IRWIN,

For the Committee.

On the adoption of the resolution, Messrs. Denver, Perkins, and Rhodes, demanded the ayes and noes, and it was lost by the following vote :

AYES—Messrs. Burnell, Chamberlain, Heacock, Holden, Irwin, Nixon, Oulton, Pacheco, Powers, Quint, Shurtleff, and Warmcastle—12.

NOES—Messrs. Banks, Bogart, Crane, Denver, Harvey, Harriman, Kimball, Kutz, Parks, Perkins, Porter, Rhodes, Shafter, Soule, Van Dyke, and Watt—16.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Harvey, for an Act amendatory of an Act entitled an Act prescribing rules for the government of the State Library.

Read first and second times, and referred to the Committee on State Library.

By Mr. Heacock, for an Act to amend an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed and Salt Marsh and Tide Lands, donated to the State of California by the Act of Congress, approved May thirteenth, eighteen hundred and sixty-one.

Read first and second times, referred to the Committee on Swamp Lands, and ordered printed.

By Mr. Powers, for an Act to fix the salary of the County Judge of Solano County.

Read first and second times, and referred to the Finance Committee.

By Mr. Nixon, for an Act in relation to Swamp Land District No. 2, as established by the Board of Swamp Land Commissioners, and to amend an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed and Salt Marsh and Tide Lands donated to the State of California, approved May thirteenth, eighteen hundred and sixty-one.

Read first and second times, referred to Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr. Banks, for an Act to provide for a gradually increasing license tax upon Mongolians in this State.



Read first and second times, and referred to the Committee on Mines and Mining Interests, and ordered printed.

Also, for an Act to fix the compensation of the members of the Board of Supervisors of the City and County of San Francisco.

Read first and second times, and referred to San Francisco delegation.

#### RESOLUTIONS.

Mr. Gallagher offered concurrent resolution relative to coast defences. Adopted.

Mr. Powers offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be and he is hereby required to procure springs, or some other contrivance, for shutting doors, and put them upon the side doors leading into the Senate Chamber.

The President ruled the resolution out of order, as it interfered with the prerogatives of the Chair, and directed the Sergeant-at-Arms to attend to the doors.

Mr. Gallagher offered the following resolution :

*Resolved*, That the Senate Committee on Public Buildings be allowed mileage for visiting the State Reform School at Marysville, payable out of the Contingent Fund of the Senate.

Referred to Committee on Mileage.

Mr. Banks presented a communication from the President and Treasurer of the Home for the Care of the Inebriate.

Referred to the Committee on State Hospitals.

Mr. Shafter presented the account of D. H. Mitchel, for repairs of desks, etc.

Referred to the Committee on Contingent Expenses.

#### GENERAL FILE.

Senate bill No. 28, an Act to repeal certain Acts—considered as in Committee of the Whole, rules suspended, considered engrossed, read third time and passed.

Senate bill No. 4, an Act to provide for improving McInturf's Port, in Mendocino County—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time and passed.

Senate bill No. 62, an Act to amend an Act entitled an Act concerning Agricultural Societies, approved March twelfth, eighteen hundred and fifty-nine—read third time and passed.

Senate bill No. 79, an Act supplementary to an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto—infinitely postponed.

#### REPORT.

Mr. Holden, from the Sonoma and Mendocino delegation, made the following report :

Mr. PRESIDENT :—The Committee to whom was referred Senate bill No.

83, an Act to provide for transcribing certain records in the Recorder's office of Sonoma County, pertaining to lands in Mendocino County, have had the same under consideration, and report the same back to the Senate, and recommend the passage of the bill without amendment.

HOLDEN,  
HILL.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
February 5th, 1862. }

Mr. PRESIDENT:—The Assembly this day passed, with amendments, Senate bill No. 9, an Act relating to the payment of the salary of the Assistant or Deputy Clerk of the Board of Supervisors of the City and County of Sacramento.

W. N. SLOCUM,  
Assistant Clerk.

Senate bill No. 9, above reported, was taken up, and the Assembly amendments concurred in by the Senate.

Mr. Heacock, by leave, introduced a bill for an Act to provide for the payment of the necessary travelling expenses of State, and county, and city and county officers, in lieu of mileage.

Read first and second times, and referred to Committee on Finance.

Mr. Parks presented a claim of the Asylum for the Deaf, Dumb, and Blind.

Referred to Committee on Claims.

On motion of Mr. Parks, Mr. Merritt was granted indefinite leave of absence.

At five minutes past twelve o'clock, P. M., on motion of Mr. Burnell, the Senate adjourned.

J. F. CHELLIS,  
President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, }  
Thursday, February 6th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

REPORTS.

Mr. Van Dyke, from the Committee on Military Affairs, made the following report:

Mr. PRESIDENT :—The Committee on Military Affairs, to whom was referred Senate concurrent resolution No. 12, in regard to spoliation by Indians in this State, have had the same under consideration.

The Federal Constitution confers upon Congress the power to regulate commerce with the Indian tribes. The General Government is thereby made the guardian, so to speak, of the Indians throughout the country, and it is clearly its duty, not only to protect the wards thus entrusted to its care, but also to see that they do not, on the other hand, commit acts of aggression against our own people.

In this State the Federal Government has acted upon the theory that the public lands were unencumbered by Indian titles. The lands have been surveyed and put in market without regard to the fact that on much of such land the Digger Indian had his hut, and hunted game. They were deemed so low and degraded in the scale of humanity as not to possess notions of propriety or right in the soil, any more than the wild beasts which have for centuries been their companions. Whether the Government has acted properly or not, under the circumstances, is, for the present purpose, quite immaterial; but it is but fair and right, however, that it should be held responsible for the consequences flowing from its own voluntary action.

Our people, under the invitation thus held out by the Federal Government, have settled upon and purchased these lands, with the view of making themselves a home, and they should be protected by that Government in the enjoyment of the same, against the Indians, who are, or ought to be, under its control. This proposition is so clearly just, that there is every reason to believe Congress would promptly extend relief to those who have sustained losses by Indian depredations in this State, provided the facts could be properly established. To aid in doing this, the State has heretofore assumed the duty of auditing claims for spoliation, and providing for their payment out of any money Congress might appropriate for that purpose.

It seems, however, to be the practice of the department at Washington, to require, in addition to this, the original vouchers, or evidence, on which the claim is founded. There appears to be an indisposition to take the action of the State officers as conclusive in the premises—the practice being to reserve the right of investigating these claims through their own agent.

The Commission proposed, being the agent of the General Government, and being constituted for the express purpose of taking proof touching these claims, its report would furnish the necessary data upon which to act. This would prevent much embarrassment and delay, and would afford some hope of relief to the unfortunate sufferers by Indian depredations on our frontier, and at the same time would tend to protect the Government against unjust or fraudulent claims.

Your Committee, therefore, report the resolutions back, and recommend their adoption.

VAN DYKE, Chairman.

Mr. Rhodes, from the Judiciary Committee, made the following report:

Mr. PRESIDENT :—The Committee on Judiciary, to whom was recommended Senate bill No. 70, an Act concerning chattel mortgages, have had the same under consideration, and respectfully report the same back, with a substitute, and recommend the adoption of the substitute.

A. L. RHODES, Chairman.

Mr. Powers, from Committee of Free Conference, made the following report :

MR. PRESIDENT :—The Committee of Free Conference on the disagreement of the two Houses as to the number of copies of reports of various State officers to be ordered printed, recommend that the Assembly recede from the fourth amendment, and that "four thousand eight hundred" in the first amendment be stricken out, and "two thousand four hundred" be inserted; and that "three thousand six hundred" be substituted for "four thousand eight hundred" in the second amendment; and that when so amended the Senate and Assembly agree thereto; also, that the following proviso be added to the resolution :

"*Provided*, that four hundred copies of the report of the Resident Physician of the Insane Asylum be furnished to the Trustees of the Insane Asylum."

O. B. POWERS,  
Chairman Senate Committee.  
T. B. SHANNON,  
Chairman House Committee.

On the adoption of the report, Messrs. Doll, Soule, and Shurtleff, demanded the ayes and noes, and it was adopted by the following vote :

AYES—Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Denver, Harvey, Hathaway, Heacock, Holden, Kutz, Nixon, Oulton, Parks, Porter, Powers, Quint, and Warmcastle—18.

NOES—Messrs. Crane, Doll, Gallagher, Gaskill, Irwin, Kimball, Lewis, Perkins, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Watt—14.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Parks, for an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, approved April sixteenth, eighteen hundred and fifty-nine, and to repeal section two of an Act amendatory thereof and supplementary thereto.

Read first and second times, rules suspended, considered engrossed, read third time and passed, rules further suspended, and Secretary directed to transmit the same immediately to the Assembly.

By Mr. Van Dyke, for an Act for the relief of John T. Carey, Treasurer of Klamath County.

Read first and second times, and referred to the Committee on Claims.

By Mr. Shurtleff, for an Act for the relief of holders of stamps heretofore issued for bills of lading.

Read first and second times, and referred to the Committee on Finance.

By Mr. Banks, for an Act authorizing certain persons therein named to lay down gas pipes in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Denver, for an Act to provide for a war tax for the support of the Government of the United States.

Read first and second times, and referred to the Finance Committee.



By Mr. Powers, for an Act to legalize and provide for the collection of delinquent taxes in the County of Solano, due to the City of Benicia.  
Read first and second times, rules suspended, considered engrossed, read third time, and passed.

## GENERAL FILE.

Senate bill No. 83, an Act to provide for transcribing certain records in the Recorder's office of Sonoma County, pertaining to lands in Mendocino County—ordered engrossed.

Senate bill No. 73, an Act amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five—recommitted to the Judiciary Committee.

Senate concurrent resolution No. 12, in regard to Indian spoiliations—adopted.

## RESOLUTIONS.

Mr. Irwin offered the following resolution :

*Resolved*, That a Porter be appointed by the President, whose duty it shall be to take charge of the committee rooms of the Senate.

Adopted.

Mr. Heacock offered the following resolution :

*Resolved*, That the usual number of copies of Senate bill No. 77, an Act to provide for the erection of a State Prison at or near the Town of Folsom, in the County of Sacramento, be ordered printed.

Adopted.

Mr. Porter offered concurrent resolution relative to the erection of the State Capitol.

Adopted.

Mr. Shafter gave notice of the introduction of a bill for an Act authorizing certain persons to lay down gas pipes.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
February 5th, 1862. }

MR. PRESIDENT :—I am directed to inform the Senate that the Assembly have passed Senate bill No. 59, an Act providing for the holding of a special term of the District Court in the First Judicial District, in and for the County of San Diego ;

Also, have passed Senate bill No. 26, an Act defining the boundaries of Humboldt County ;

Also, have passed Senate bill No. 7, an Act to authorize the State Controller to draw his warrants on the State Treasury ;

Also, have adopted Assembly concurrent resolution No. 7, relative to the appointment of a Commission to represent this State at Washington

for the purpose of obtaining the confirmation of the claim of the State to the Swamp Land within its limits;

Also, have adopted Assembly concurrent resolution No. 8, relative to the military defence of the State.

W. N. SLOCUM.

Assistant Clerk.

Senate bill No. 7, above reported, was taken up, and the Assembly amendments concurred in.

Assembly concurrent resolution No. 7, above reported, was referred to the Committee on Swamp and Overflowed Lands.

Assembly concurrent resolution No. 8, above reported, was laid on the table.

#### GENERAL FILE RESUMED.

Senate bill No. 70, an Act concerning chattel mortgages—substitute reported from Judiciary Committee adopted, read first and second times, rules suspended, and bill considered in Committee of the Whole.

#### IN SENATE.

Rules further suspended, bill considered engrossed, read third time, and on its passage, Messrs. Heacock, Harriman, and Holden, demanded the ayes and noes.

Mr. Gaskill moved to make the bill the special order for Monday next, at twelve o'clock.

Lost.

The bill passed by the following vote:

AYES—Messrs. Baker, Banks, Chamberlain, Crane, Doll, Hathaway, Heacock, Kimball, Kutz, Lewis, Nixon, Oulton, Perkins, Powers, Quint, Rhodes, Shafter, Soule, Van Dyke, and Warmcastle—20.

NOES—Messrs. Bogart, Burnell, Denver, Gaskill, Harvey, Harriman, Holden, Parks, Porter, Shurtleff, and Williamson—11.

Mr. Crane offered the following resolution:

*Resolved*, That the State Library Committee be allowed two days absence, to proceed to Sacramento and examine the Library.

Adopted.

On motion of Mr. Shafter, the Secretary was instructed to return to the Assembly, Assembly concurrent resolution No. 8, the same having been sent to this House by mistake.

#### REPORTS.

Mr. Parks made a verbal report, recommending that Senate bill No. 2 be recommitted to Swamp Land Committee.

So ordered.

Mr. Powers, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 20, entitled Amendments to the Constitution; also,

Senate bill No. 28, entitled an Act to repeal certain Acts, and report the same correctly engrossed.

POWERS, of Committee.

At twenty minutes past two, P. M., on motion of Mr. Parks, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Friday, February 7th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Chamberlain presented a petition of citizens of San Joaquin County, relative to the Sunday law.

Referred to Committee on Public Morals.

Mr. Shurtleff, from the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage report the sum of sixty-nine dollars and twenty cents, due Senators Heacock, Burnell, Gaskill, De Long, and Williamson, each, as mileage, in travelling to and from the Reform School, near Marysville, in the performance of committee duties. We therefore recommend the adoption of the following resolution:

*Resolved*, That Senators Heacock, Burnell, Gaskill, De Long, and Williamson, each be allowed sixty-nine dollars and twenty cents, as mileage, payable out of the Contingent Fund of the Senate.

SHURTLEFF, Chairman.

Adopted.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Soule, for an Act to authorize Eugene L. Sullivan, Nathaniel Holland, and John Benson, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Crane, for an Act to amend an Act entitled an Act to authorize married women to transact business in their own name, as sole traders, passed April twelfth, eighteen hundred and fifty-eight.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gaskill, for an Act concerning jury trials in Butte County.

Read first and second times, and referred to delegation from Butte and Plumas.

Also, an Act concerning the jurisdiction of Justices' Courts in criminal cases and in actions respecting forcible and unlawful entries and detainer in the County of Butte.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Perkins, for an Act to amend an Act entitled an Act to provide for the appointment of a Gauger for the port of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Banks, for an Act concerning evidence in certain cases.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to amend an Act entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, and the several Acts amendatory thereof.

Read first and second times, and referred to Judiciary Committee.

Also, for an Act to authorize the Board of Supervisors of each county in this State to license certain places of amusement.

Read first and second times, and referred to Committee on Public Morals.

#### GENERAL FILE.

Senate bill No. 20, Amendments to the Constitution—was referred to the Committee on State Library, with instructions to compare the same with the enrolled copy in the office of the Secretary of State.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 7th, 1862. }

MR. PRESIDENT:—I am directed to inform the Senate that the House have passed Assembly concurrent resolution No. 10, relative to a tri-weekly mail route between Sacramento and Lancha Plana, and the establishment of post offices;

Also, have concurred in Senate concurrent resolution No. 24, relative to coast defences;

Also, have adopted the report of the Committee of Free Conference on the disagreeing vote of the two Houses relative to the number of reports of the various State officers to be printed.

W. N. SLOCUM,  
Assistant Clerk.

The Senate refused to concur in Assembly concurrent resolution No. 10, above reported.

Mr. Gaskill made the following report :

MR. PRESIDENT:—The Special Committee, consisting of the Butte and Plumas delegation, to whom was referred Senate bill No. 34, beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

GASKILL,  
IRWIN.



Senate bill No. 34, above reported, was considered as in Committee of the whole, and ordered engrossed and read third time.

The President pro tem. appointed William McCoy as Porter for committee rooms, under the resolution adopted yesterday.

On motion of Mr. Perkins, at fifty minutes past eleven o'clock, A. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 8th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Harvey presented a petition of citizens of El Dorado County, in reference to the Sunday Law.

Referred to the Committee on Public Morals.

## REPORTS.

Mr. Soule, from the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 25, an Act to repeal an Act entitled an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty, ask leave to report the same back, recommending its passage.

S. SOULE, Chairman.

Mr. Perkins, from the Committee on Finance, made the following reports:

MR. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 65, an Act to exempt insurance companies organized in this State paying a stamp tax, have had the same under consideration, and report the bill back to the Senate, and recommend that it be indefinitely postponed.

Said Committee, to whom was also referred Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County, have had the same under consideration, and report the same back to the Senate, and recommend that it be referred to the Judiciary Committee.

PERKINS, Chairman.

MR. PRESIDENT:—The Committee on Finance, to whom was referred

Senate bill No. 96, an Act for the relief of holders of stamps heretofore issued for bills of lading, have had the same under consideration, and report the same back to the Senate, and recommend its passage.

PERKINS, Chairman.

Mr. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 99, an Act to provide for a war tax for the support of the Government of the United States, have had the same under consideration, and report to the Senate a substitute for said Act, and recommend its passage.

PERKINS, Chairman.

Mr. Burnell, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined and found correctly engrossed Senate bill No. 100, an Act to legalize and provide for the collection of delinquent taxes in the County of Solano, due to the City of Benicia;

Also, Senate bill No. 83, an Act to provide for transcribing certain records in the Recorder's Office of Sonoma County, pertaining to lands in Mendocino County;

Also, an Act to authorize Wm. E. McInturf to construct a wharf, mooring piles, and a chute or dry sluice, at Port McInturf, in Mendocino County.

BURNELL, Chairman.

Mr. De Long, from the Committee on Roads and Highways, made the following report:

Mr. PRESIDENT:—Your Committee on Roads and Highways, having had Senate bill No. 66 under consideration, report the same back, with a recommendation that the same pass.

C. E. DE LONG, Chairman.

Mr. Lewis made the following report:

Mr. PRESIDENT:—The delegation from Calaveras and Amador, to whom was referred Senate bill No. 110, an Act to grant the right to construct a bridge across the Mokelumne River, at Middle Bar, in Amador and Calaveras Counties, to Adam Denzler and associates, have considered the bill, report it back, and recommend its passage.

LEWIS,  
BURNELL,  
GALLAGHER.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Shafter, for an Act to authorize Charles L. Taylor and Henry F. Williams to lay down gas pipes in the City of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Hathaway, for an Act to fix and define the meaning of certain terms.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Harriman, for an Act to fix the salary of the County Judge of Placer County.

Read first and second times, and referred to the Placer delegation.

By Mr. Irwin, for an Act to authorize and empower the Controller of State to transfer certain funds.

Read first and second times, and referred to the Finance Committee.

Also, for an Act making an appropriation for the payment of the claim of J. C. Doherty for services and sundries, furnished the Senate, seventh session.

Read first and second times, and referred to the Committee on Claims.

By Mr. Lewis, for an Act to grant the right to construct a bridge across the Mokelumne River, at Middle Bar, to Adam Denzler.

Read first and second times, and referred to the delegation from Amador and Calaveras.

By Mr. Quint, for an Act to grant the right to construct a bridge across the Stanislaus River, at a place known as Byrne's Ferry, to certain persons therein named.

Read first and second times, and referred to the Tuolumne delegation.

By Mr. Parks, for an Act to amend an Act entitled an Act to authorize the guardian of Minna C. Buchanan to sell and dispose of the real estate and chattel real, passed March fourteenth, eighteen hundred and fifty-six.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Banks, for an Act to provide for the construction of a wharf at a point designated upon the southerly bank of the San Joaquin River.

Read first and second times, and referred to the Contra Costa delegation.

#### GENERAL FILE.

Senate bill No. 65, an Act to exempt insurance companies organized in this State, from paying a stamp tax—made special order for Wednesday, February twelfth, at twelve o'clock.

Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County—referred to Judiciary Committee.

Senate bill No. 96, an Act for the relief of holders of stamps heretofore issued for bills of lading—ordered engrossed, and read a third time.

Senate bill No. 66, an Act to grant the right to construct a turnpike road from the great bend of the Mokave River, in the County of San Bernardino, through Williamson's Pass to the Pacific coast, at or near the Town of Buena Ventura, in the County of Santa Barbara—amended, and recommitted to the San Luis Obispo delegation.

Senate bill No. 99, an Act to provide for a war tax for the support of the Government of the United States—substitute adopted, read first and second times, and made special order for Wednesday, February twelfth, at twelve o'clock, M., by the following vote, the ayes and noes being demanded by Messrs. De Long, Lewis, and Denver:

AYES—MESSRS. Banks, Bogart, Gaskill, Harvey, Harriman, Hathaway, Irwin, Kutz, Merritt, Parks, Pacheco, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Warmcastle, and Watt—20.

NOES—MESSRS. Burnell, Chamberlain, Denver, De Long, Doll, Gallagher, Kimball, Lewis, Oulton, Perkins, and Williamson—11.

Senate bill No. 110, an Act to grant the right to construct a bridge across the Mokelumne River, at Middle Bar, to Adam Denzler—considered as in Committee of the Whole, rules suspended, considered engrossed,

read a third time, and passed, and the Secretary directed to transmit it immediately to the House.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
Sacramento, February 5th, 1862. }

*To the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 46, an Act granting the right to construct and maintain a bridge across the American River, near Folsom, in the County of Sacramento.

LELAND STANFORD.

Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER. }  
February 8th, 1862. }

MR. PRESIDENT:—I am directed to inform the Senate that the House have passed Assembly bill No. 69, an Act to authorize the Board of Supervisors of Colusa County to levy a special tax in said county, creating a Contingent Fund.

W. N. SLOCUM,

Assistant Clerk.

Assembly bill No. 69, above reported, was read first and second times, rules suspended, read a third time, and passed.

ASSEMBLY CHAMBER. }  
February 8th, 1862. }

MR. PRESIDENT:—The Assembly have concurred in Senate concurrent resolution No. 22, relative to examining proposals for translating laws, and have appointed Messrs. Dana, Cot, and Loewy, as the committee on the part of the House to carry the resolution into effect;

Also, have passed Assembly bill No. 41, an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements;

Also, have passed Assembly bill No. 61, making appropriations for the payment of boatmen employed by the Sergeant-at-Arms of the Assembly, during the flood at the Capital.

W. N. SLOCUM,

Assistant Clerk.

Assembly bill No. 41, above reported, was read first and second times, and referred to the Los Angeles delegation.

Assembly bill No. 61, above reported, was read first and second times, and referred to the Committee on Claims.

ASSEMBLY CHAMBER. }  
February 8th, 1862. }

MR. PRESIDENT:—I am directed to inform the Senate that the House



have adopted Assembly concurrent resolution No. 11, indorsing the policy of the National Administration.

W. N. SLOCUM,  
Assistant Clerk.

Assembly concurrent resolution No. 11, above reported, was referred to the Committee on Federal Relations.

A communication was received from the Adjutant-General, inviting the Senate to be present at a review on the twenty-second instant.

Mr. Perkins offered a concurrent resolution relative to asking the opinion of the Supreme Court on the War Tax bill.

Lost.

Mr. Harvey offered concurrent resolution on the state of the Union.

Referred to the Committee on Federal Relations.

Mr. Pacheco made a verbal report, recommending certain amendments to Senate bill No. 66.

Amendments adopted, rules suspended, considered engrossed read a third time, and passed.

#### REPORTS.

Mr. Harvey, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled, Senate bill No. 24, an Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a turnpike road between the Town of Jackson and Lone City, in the County of Amador, approved April fifth, A. D. eighteen hundred and sixty-one;

Also, Senate bill No. 13, an Act authorizing the District Attorneys of the Counties of Mariposa and Sutter to appoint Deputies;

Also, Senate bill No. 41, an Act to authorize the Warden of the county jail of the City and County of Sacramento to appoint Deputies, and to provide for the payment of the salaries thereof;

Also, Senate bill No. 9, an Act relating to the payment of the salary of Assistant or Deputy Clerk of the Clerk of the Board of Supervisors of the City and County of Sacramento;

Also, Senate bill No. 35, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to procure chambers for the Judges of certain Courts, passed April fifteenth, eighteen hundred and sixty-one;

Also, Senate bill No. 59, an Act providing for the holding of a special term of the District Court, in the First Judicial District, in and for the County of San Diego;

Also, Senate bill No. 26, an Act defining the boundaries of Humboldt County;

And on the eighth day of February, eighteen hundred and sixty-two, at twelve o'clock, M., delivered the same to His Excellency, the Governor, for his approval.

GEORGE K. PORTER, Chairman.

Mr. Rhodes, from the Judiciary Committee, on behalf of Mr. Crane, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred, by resolution, the message of Governor Downey, nominating B. Nordheimer Commissioner of the War Debt, in place of Samuel B. Smith, with instructions to report whether there was any vacancy in the office of Commissioner at the time of the appointment of said Nordheimer, having had the same under consideration, beg leave to report—that by an examination of the first section of the Act relating to the War Debt of this State, approved May sixth, eighteen hundred and sixty-one, it appears, among other things, that the Commissioners of the War Debt were thereby authorized and directed, within sixty days after the passage of the Act, to proceed to the City of Washington, with all the necessary vouchers, etc., in order to settle, with the General Government, the claims made by this State, growing out of Indian hostilities.

The Act contains a detail of the duties imposed upon the Commissioners, and the mode of their performance, and in the eighth section occurs this provision, viz.: "And in case of either of said Commissioners failing or refusing to perform the duties herein imposed on them, the Governor shall appoint some competent person to fill the vacancy."

The tenth section of the Act provides that the Act shall not take effect until the said Commissioners have delivered up to the Treasurer of the State all the coupons belonging to the State, and there is no other provision in the Act itself as to the time when it shall go into operation. By the general law on the subject, defining the time when Acts of the Legislature shall take effect, in sixty days after the passage, and not before, unless otherwise specially provided in the Act itself. We are inclined, however, to regard the provision of the tenth section as above quoted, as equivalent to saying that the Act should take effect as soon as the coupons therein referred to should be delivered up, and until that time the Act had no validity for any purpose whatever. Hence, the time of delivering up the coupons becomes material, and this is ascertained to have been done on the ninth of May, eighteen hundred and sixty-one. We think that upon all fair rules of construction we must read the words "after the passage of this Act," in the first section, to mean "after this Act takes effect," because, otherwise, that clause would have no meaning. This construction would give until the eighth of July (being sixty days from the ninth of May, when said coupons were delivered up,) as the time within which said Commissioners should proceed to Washington.

It appears that on the tenth of July, eighteen hundred and sixty-one, one John F. Suydam, clerk of the St. George Hotel, at Sacramento, made an affidavit stating that on the eighth of July, eighteen hundred and sixty-one, Samuel B. Smith, one of said Commissioners, was a guest at said hotel, and the Governor, acting upon this affidavit, on the same tenth day of July, addressed a letter to said Samuel B. Smith, setting forth that because he (Smith) had failed to proceed to the City of Washington, pursuant to the requirements of the statute above alluded to, that therefore, he, the Governor, had commissioned B. Nordheimer as his successor, etc., and this letter, by an indorsement thereon, appears to have been received by Smith at Washington on August twentieth, eighteen hundred and sixty-one.

Now, allowing the affidavit of Suydam to be true, that Smith was a guest at the St. George Hotel, on July eighth, and that his not being on his way to Washington on that day, created a vacancy in his office, it may be asked, how it appears from this affidavit that he was not, in fact, on his way to Washington, on that very day, stopping, like any other guest,

for the usual hotel accommodations, in passing through the City of Sacramento.

And much more, how does it appear by this affidavit, that, on the tenth of July, when said supersedeas was directed to Smith, and said commission made to Nordheimer, that Smith was not on his way to Washington. Indeed, the only inference left, upon the reading of the affidavit, is, that Smith was only a transient guest at the hotel; and it is to be presumed, as the affidavit was doubtless presented to the Governor for the purpose of showing that a state of facts existed, on which the office might be declared vacant, that if Smith had, for any time, either before or after the eighth of July, been a guest at the hotel, that such fact would have been stated. But, although the affidavit is made on the tenth, it fails to state that Smith was there any day after the eighth, or even that he was there during the eighth, and the only inference that can remain is, that he was a transient or passing guest on the day named—all of which, as we have seen, might have been while he was in discharge of his duties, actually proceeding to Washington.

Upon this view of the case, therefore, most clearly, no vacancy could be declared, and of course, no successor appointed. But it is claimed that the sixty days, by the very Act, commenced to run from its passage, which was May sixth, which would bring the last day of the sixty days on July fifth. Should this construction be admitted, we cannot see how it then appears by the affidavit of Suydam that Smith was *not* on his way to Washington on the eighth, and did *not* start on his journey by or before the fifth. It might well be that Mr. Smith had started from his residence, on his way to Washington, on or before the fifth of July, and still be in Sacramento on the eighth, detained a day or two, we may suppose, in procuring any documentary evidence from the State archives, necessary to his mission. So far, therefore, from the affidavit of Suydam showing any cause from which the office might be declared vacant, it, in our opinion, failing as it does, to show Smith to have been anything more than a transient guest at the hotel on the day named, or to have been there at any time, either before or after, leads irresistibly to the inference that he was then strictly in discharge of his duty, and on his way to his destination. We have thus examined the case upon the *ex parte* affidavit of Suydam, and upon the case as made out by Governor Downey.

If, however, there should be any doubt, either upon the construction which we have placed upon the statute or the facts proved by the affidavit of Suydam, if in order to save his office from forfeiture it became the duty of Smith to start on his journey to Washington strictly within sixty days from the sixth of May, when the Act was passed (*i. e.*) by or before July fifth, then it may be proper to recur to the proof offered on the part of Smith. The affidavit of Schell shows that Smith was a resident of San Francisco, and that he left this city, starting on his journey to Washington on the third of July; that he, Schell, at Smith's request, purchased a ticket for the overland stage, with money given to witness by Smith for that purpose; and that Smith arrived at Placerville on the eighth of July, about noon, on his way on the overland stage; that he, Schell, was a companion as far as Missouri, in said stage with Smith; and Schell's affidavit as to the time when Smith left is confirmed by the affidavit of R. N. Snowden. The affidavit of Hardenbergh, one of the keepers of the St. George Hotel, shows that Smith arrived there on the fourth or fifth of July, on his way, as he then stated, to Washington, as



such Commissioner, and departed at six o'clock on the morning of July eighth, on his way to Placerville to take the overland stage, and was not, after said eighth of July, a guest at said hotel.

The result, then, of these four affidavits, viz: of Suydam, Schell, Snowden, and Hardenbergh, is, that on the third day of July, eighteen hundred and sixty-one, Smith, the Commissioner, left his residence in San Francisco—starting at that time on his journey overland to Washington, remained from the fourth or fifth to the eighth of July at Sacramento, on which last named day he left Sacramento, and then travelled continuously by stage until he reached Missouri. And we find him in August in Washington, at which city Governor Downey's letter, superseding him, was delivered to him by Nordheimer on the twentieth of August. And it is quite clear, also, that on the tenth of July, when Governor Downey wrote the letter of that date to Smith, and when the commission was issued to Nordheimer, that Smith was then actually in the overland stage, probably at Carson Valley, on his way to Washington. In other words, he was then actually discharging the very duties for the neglect of which the Governor made a pretence to discharge him.

It is quite clear that on this state of facts no vacancy had occurred in the office at the time when Nordheimer was commissioned.

We have deemed it unnecessary to discuss the question as to whether the sixty days time limited in the first section of the Act is anything more than directory, or the failure to leave within that time could, of itself, work a forfeiture of the office, or whether, even in a case where the officer should clearly fail to discharge his duties, the Executive could, without a judicial decision, and upon the ex parte affidavit of the bar-keeper in a hotel, declare a vacancy to exist, and then proceed to fill it; because, aside from all this, and upon the ground assumed, it is quite clear that no such state of facts existed as were assumed to exist by Governor Downey as the foundation of his action in the premises. The affidavit of Jacob Greenbaum, we consider, can have no relation to the question under consideration. This affidavit, if to be credited at all, shows in substance that Smith, the Commissioner, was desirous of levying black mail on the bondholders, and threatened that unless they did contribute money, he would so manage his office as not to accomplish the settlement of the claims. But this affidavit could not have been before Governor Downey when he issued his notification to Smith, declaring his office vacant, and his commission to Nordheimer, because these acts were done on the tenth of July, and this affidavit is not sworn to until July fifteenth, or five days afterwards.

Upon the whole, the Committee are clearly of opinion that no vacancy existed in the office of such Commissioner at the time when Governor Downey issued the new commission to Nordheimer founded upon such assumed vacancy; that Smith was then, and is yet, *de facto* and *de jure*, such Commissioner; that Governor Downey's acts, in declaring the existence of such vacancy, and issuing such commission to Nordheimer, were acts of usurpation, done entirely without authority of law, without any facts existing on which to base or justify such action, and neither destroyed the right of Smith nor conferred any right on Nordheimer, however much such acts may have prejudiced the interests of the State and of its citizens interested in the settlement and liquidation of these claims against the Federal Government.

All of which is respectfully submitted.

CRANE, for the Committee.



On motion of Mr. Soule, the report was made the special order for Thursday next, February thirteenth, at twelve o'clock, M.

Mr. Heacock had leave of absence for three days.

At half past two o'clock, P. M., on motion of Mr. Irwin, the Senate adjourned.

J. McM. SHAFER,

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, February 10th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Mr. Gallagher had leave of absence for one day.

## PETITIONS.

Mr. Harvey presented a petition of citizens of Placerville, in favor of present Sunday law, with amendments.

Referred to Committee on Public Morals.

Mr. Van Dyke presented a petition of citizens of Klamath County, in regard to County Boundaries.

Referred to Committee on Counties and County Boundaries.

## REPORTS.

Mr. Crane, from the Committee on State Library, made the following report:

MR. PRESIDENT:—The Committee on the State Library, to whom was referred Senate bill No. 20, Amendments to the Constitution, for the purpose of comparing the same with the enrolled copy on file in the office of the Secretary of State, beg leave to report—that on the eighth of February instant, they made such comparison, conducting the same with great care and particularity, and find the following corrections necessary in said bill in order to make it correspond strictly with said enrolled copy, viz:

1. The word "Section" is written "Sec." in said bill, whereas it is written out in full in the enrolled copy; this discrepancy occurs twenty-eight times

2. In Section 19, Article 5, the bill has 1861, (figures,) while in the enrolled copy the date is written out in words, thus: "eighteen hundred and sixty-one."

3. In Article 9, Section 1, the bill has 1863, (figures,) while in the enrolled copy that date is written out in words, thus: "one thousand eight hundred and sixty-three."

4. In Article 4, Section 39, 1861 is figures, the same being written out in words in the enrolled bill, thus: "one thousand eight hundred and sixty-one."

5. In Article 6, Section 1, after the word "records," in line 4, the word "and" in the bill is "or" in the enrolled bill.

6. Article 6, Section 3, line 4, in the bill, the word "election" is "elections" in the enrolled bill.

7. Same Section, line eight, word "eighteen" in the bill is "one thousand eight" in the enrolled bill.

8. Same Article, (6) Section 4, line 17, word "in" in the bill is "on" in the enrolled bill.

9. Same Article, (6) Section 5, line 2, date "1863" (figures) is written out in the enrolled bill, thus: "one thousand eight hundred and sixty-three."

10. Same Article, (6) Section 8, line 24, after the word "Judge," these words are entirely omitted from the bill, viz: "and may provide for the election of Probate Judge," which words appear at length in the enrolled bill.

11. Same Article, (6) Section 9, line 8, word "Courts" is written "Court" in the enrolled bill.

12. Same Article, (6) Section 19, the last section of the bill, line 5, date "1861" (figures) in the bill, is written out in the enrolled bill, thus: "eighteen hundred and sixty-one."

Your Committee have marked these errors, thirty-nine in number, in pencil, on the bill, wherever they occur, which pencil marks may be erased as the amendments are annexed.

CRANE, Chairman

Mr. Oulton, from the Committee on Mines and Mining Interests, made the following report:

MR. PRESIDENT:—The Committee on Mines and Mining Interests, to whom was referred Senate bill No. 49, an Act to provide for the representation of this State at the International Exhibition of the works of industry and art, to be held at London on the first day of May, eighteen hundred and sixty-two, have had the same under consideration, and herewith report the same back to the Senate, with the recommendation that it be indefinitely postponed.

OULTON, Chairman.

Mr. Banks, from the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations have had under consideration Senate bill No. 29, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof, and report the same back with a substitute, and recommend the passage of the substitute.

BANKS, Chairman.

Mr. Vineyard made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Assembly bills Nos. 43, 44, and 41, have had the same under consideration, and herewith report the same back, and recommend their passage.

VINEYARD, Chairman.

Mr. Harriman made the following report :

Mr. PRESIDENT :—The Placer Delegation, to whom was referred Senate bill No. 114, an Act to fix the salary of the County Judge of Placer County, have had the same under consideration, report the same back, and recommend its passage.

HARRIMAN, of Delegation.

Mr. Warmcastle reported back Senate bill No. 109, and recommended its passage.

Rules suspended, bill above reported considered as in Committee of the Whole, reported back without amendment, and on motion of Mr. Warmcastle, laid on the table.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Crane, for an Act concerning roads and highways in the County of Alameda.

Read first and second times, and referred to the delegation from Alameda and Santa Clara.

By Mr. Chamberlain, for an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof.

Read first and second times, and placed on file.

By Mr. Harvey, for an Act to release certain claims on the part of the State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Van Dyke, for an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Finance.

By Mr. Merritt, for an Act to authorize the construction of a wharf at the foot of Townsend street, in the City of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Banks, for an Act concerning apprentices.

Read first and second times, and referred to the Judiciary Committee.

Mr. De Long presented memorial of citizens of the Eighteenth Senatorial District.

Mr. Banks moved to lay it on the table.

Upon which, the ayes and noes were demanded by Messrs. De Long, Doll, and Baker, and the motion prevailed, by the following vote :

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harvey, Harriman, Hathaway, Kimball, Kutz, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, and Van Dyke—20.

NOES—Messrs. Baker, Bogart, Burnell, Denver, De Long, Doll, Irwin, Lewis, Merritt, Quint, Vineyard, Warmcastle, Watt, and Williamson—14.

Mr. Quint made the following report :

Mr. PRESIDENT:—The Tuolumne delegation, to whom was referred Senate bill No. 111, relative to granting the right to construct a bridge across the Stanislaus River, at a place known as Byrne's Ferry, would respectfully report the same back, with a substitute, and recommend that the substitute be passed.

L. QUINT,  
C. V. WILLIAMSON.

Mr. Banks moved the following as additional to the Joint Rules of the Senate and Assembly:

When any bill, resolution, or report, is printed by order of either House, one copy of the same shall be placed on the desk of each member and reporter of both Houses, by the Sergeant-at-Arms of the Senate and Assembly, respectively.

Laid over until to-morrow, under the rule.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 10th, 1862.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 35, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to procure chambers for the Judges of certain Courts, passed April fifteenth, eighteen hundred and sixty-one.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 10th, 1862.

*To the Honorable the Senate of California:*

I transmit to your honorable body the official report of two of the Commissioners appointed by the Governor under a concurrent resolution, adopted March second, eighteen hundred and sixty-one, to report upon the ways and means best adapted to promote the improvement and growth of the grape vine in California. Also, a letter from one of the Commissioners.

LELAND STANFORD, Governor.

Referred to the Committee on Agriculture.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 10th, 1862.

*To the Honorable the Senate of California:*

I hereby nominate to the office of Port Warden of the port of San Francisco, R. P. Johnson, vice Charles R. Street, removed, and ask the concurrence of the Senate therein.

LELAND STANFORD, Governor.

Made special order for Saturday, February fifteenth, twelve o'clock, M.



STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, February 5th, 1862. }

*To the President of the Senate:*

I have the honor to transmit herewith a report of the Board of State Prison Directors. There being but one copy of this report, I would respectfully suggest that the Assembly be informed of the receipt thereof by the Senate.

LELAND STANFORD.

President of the Board of State Prison Directors.

Referred to the Joint Committee on Printing, and the Secretary was directed to inform the House of the reception of the message.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER. }  
 February 10th, 1862. }

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly have passed the Senate substitute for Senate bill No 32, an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto;

Also, have passed Assembly bill No. 14, an Act to amend an Act entitled an Act to authorize Thomas Cutler, administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale, approved February eleventh, eighteen hundred and sixty-one;

Also, have passed Assembly bill No. 18, an Act for the relief of Dennis Tryon;

Also, have passed Assembly bill No. 34, an Act concerning roads and streets in the town of Auburn;

Also, have passed Assembly bill No. 56, an Act to amend an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-one, eighteen hundred and sixty-one;

Also, have passed Assembly bill No. 59, an Act to authorize the Benecia Cemetery Association to close certain streets and alleys.

W. N. SLOCUM,  
 Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 14, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 18, above reported, read first and second times, and referred to the Committee on Claims.

Assembly bill No. 34, above reported, was read first and second times, and referred to the Placer delegation.

Assembly bill No. 56, above reported, read first and second times, and referred to the Tuolumne delegation.

Assembly bill No. 59, above reported, read first and second times, and referred to the Solano delegation.

## GENERAL FILE.

Senate bill No. 83, an Act to provide for transcribing certain records in the Recorder's office of Sonoma County pertaining to lands in Mendocino County—was read a third time and passed.

Senate bill No. 25, an Act to repeal an Act entitled an Act for the protection of fisheries, passed April twenty-eighth, eighteen hundred and sixty—was ordered engrossed, and read a third time.

The vote by which Senate bill No. 20 was ordered engrossed was reconsidered—the amendment proposed by the Committee on State Library adopted, and the bill ordered engrossed, and read a third time.

The order postponing action upon the report of the Judiciary Committee on the War Bond Commission until Thursday next, was discharged, and the report re-committed to the Judiciary Committee, with instructions to report on or before Thursday next.

By unanimous consent of the Senate, the Engrossing Clerk was authorized to correct certain errors in Senate bill No. 96, viz: in fourth line of section two, insert the word "and" in place of "every;" also, in eleventh line of section two, insert the word "of" in place of "in."

## REPORTS.

Mr. Burnell, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined and found correctly engrossed, Senate bill No. 34, an Act to amend an Act entitled an Act authorizing and empowering the Board of Supervisors in and for the County of Butte to levy a special tax on all taxable property in said county, for contingent purposes, approved March sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 96, an Act for the relief of holders of stamps heretofore issued for bills of lading.

BURNELL, Chairman.

Mr. Porter, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled, Senate bill No. 7, an Act to direct the Controller of State in relation to drawing his warrants on the State Treasurer, and this day, February tenth, eighteen hundred and sixty-two, at one o'clock, p. m., delivered the same to the Governor for his approval.

GEO. K. PORTER, Chairman.

On motion of Mr. Denver, at half past one o'clock, p. m., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, February 11th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read, amended, and approved.

Mr. Quint was granted indefinite leave of absence, and Mr. Warmcastle for one day.

## REPORTS.

Mr. Merritt, from majority of Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 48, an Act to authorize Benjamin F. Washington to dispose of certain interests in a house and lot in San Francisco, have had the same under consideration, and a majority of said Committee report the same back, with amendments, and recommend its passage as amended.

Amendments—As section two, insert as follows, viz: Amendment marked (A) make section two read section three.

MERRITT, for Committee.

Mr. Parks, from the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims have had under consideration Senate bill No. 86, to transfer certain funds from the Military Fund to the General Fund, amounting to eight hundred and sixty-three dollars and twenty-nine cents, and report the same back and recommend its passage;

Also, have had under consideration the claim of the Board of Managers of the State Institution for the care of indigent Deaf, Dumb, and Blind, amounting to one thousand four hundred and forty-seven dollars and ninety-four cents, and report the same back with the accompanying bill, and recommend the passage of the bill;

Also, the claims of Eugene Lies, for translating laws into Spanish for twelfth session of Legislature, and report the same back and recommend that it be rejected.

PARKS, Chairman.

Mr. Hathaway, from the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Senate concurrent resolution No. 6, have had the same under consideration and ask leave to report the same back, together with a substitute, and recommend the passage of the substitute.

HATHAWAY, Chairman.

Mr. Chamberlain, from the Committee on Agriculture, made the following report:

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MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Senate bill No. 84, an Act to amend an Act entitled an Act supplementary to an Act to prevent trespassing of animals on private property, approved May thirty-one, eighteen hundred and fifty-five, report the same back with an amendment including the County of Monterey in the provisions of the bill, at the request of the delegation from that county, and recommend its passage as amended.

CHAMBERLAIN, Chairman.

Mr Rhodes, from the Judiciary Committee, made the following reports:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 104, an Act concerning the jurisdiction of Justices' Courts in criminal cases, and in actions respecting forcible and unlawful entries and detainers, in the County of Butte, having had the same under consideration, beg leave to report that the end sought to be remedied by said bill, viz: the calling of defendants in unlawful or forcible entry cases into parts of the county distant from their residence, has been embraced in an Act herewith furnished as a substitute therefor, which so amends the forcible entry and detainer Act as to limit the jurisdiction to justices of the same or adjacent townships to that wherein the unlawful or forcible entry was committed—and we recommend that said substitute be adopted and passed.

A. L. RHODES, Chairman.

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 51, an Act to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one; and Senate bill No. 74, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, have had said bills under consideration, and report herewith a substitute, embodying both of said bills in one Act, and recommend its passage.

A. L. RHODES, Chairman.

Mr. Powers made the following report:

MR. PRESIDENT:—The Solano delegation, to whom was referred Assembly bill No. 59, an Act to authorize the Benicia Cemetery Association to close certain streets and alleys, have had the same under consideration, and respectfully report the same back and recommend its passage.

POWERS.

Mr. Harriman made the following report:

MR. PRESIDENT:—The Placer delegation, to whom was referred Assembly bill No. 72, an Act to authorize the removal of human remains from Placer County, having had the same under consideration, report it back without amendment, and recommend its passage.

HARRIMAN.

Mr. Crane made the following report:

MR. PRESIDENT:—The Committee to whom was referred Senate bill No. 118, an Act concerning roads and highways in Alameda County, have



had the same under consideration, and beg leave to report, that the roads in said county are in a founderos and ruinous condition, having been washed away by the floods, and bridges destroyed, and that it is not possible in any reasonable time to repair the same, or to make such changes, or lay out such new roads as are demanded, without the legislation contemplated by this Act. Your committee, therefore, most earnestly recommend the immediate passage of said Act.

Respectfully submitted.

CRANE, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gallagher, for an Act to transfer the boys and youth in the State Reform School to the Industrial School at San Francisco, and for other purposes connected therewith.

Read first and second times, and referred to Committee on Public Buildings.

By Mr. Banks, for an Act to establish Pilots and pilot regulations for the port of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Gaskill, for an Act to amend an Act entitled an Act to amend an Act entitled an Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty; approved February twenty-second, eighteen hundred and sixty-one.

Read first and second times, and referred to Judiciary Committee.

By Mr. Doll, for an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to Committee on Finance.

By Mr. Chamberlain, for an Act to regulate the term of office of County Surveyors.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act in addition to an Act entitled an Act amendatory of an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty; approved April thirteenth, eighteen hundred and fifty-five.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Hathaway, for an Act to provide for the execution of deeds for pueblo lands of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Parks, from Committee on Claims, for an Act to pay the Board of Managers of the State Institution for the care and education of the Indigent Deaf, Dumb, and Blind.

Read first and second times, and placed on file.

Mr. Irwin presented certain accounts, which were referred to the Committee on Contingent Expenses.

#### GENERAL FILE.

Senate bill No. 96, an Act for the relief of holders of stamps heretofore issued for bills of lading—was read third time, and passed.

Senate bill No. 34, an Act to amend an Act entitled an Act authorizing

and empowering the Board of Supervisors in and for the County of Butte to levy a special tax on all taxable property in said county, for contingent purposes, approved March sixteenth, eighteen hundred and fifty-nine—was read third time, and passed.

Assembly bill No. 41, an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements—was considered as in Committee of the Whole, reported to the Senate without amendments, read a third time, and passed.

Assembly bill No. 43, an Act to authorize the Corporation of the City of Los Angeles to fund the debt of said city—was considered as in Committee of the Whole, reported to the Senate without amendments, read a third time, and passed.

Assembly bill No. 44, an Act supplementary to an Act to incorporate the City of Los Angeles—was considered as in Committee of the Whole, reported to the Senate without amendments, read a third time, and passed.

Senate bill No. 49, an Act to provide for the representation of this State at the International Exhibition of works of industry and art, to be held at London on the first of May, eighteen hundred and sixty-two—was indefinitely postponed.

Senate bill No. 114, an Act fixing the salary of the County Judge of Placer County—was considered in Committee of the Whole, reported and recommended, and ordered engrossed, and read a third time.

Senate bill No. 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof—was considered as in Committee of the Whole, reported and recommended, and ordered engrossed, and read a third time.

Senate bill No. 29, an Act to amend an Act entitled an Act concerning corporations—substitute adopted, read first and second times, and placed on file.

Senate bill No. 81, an Act repealing section three hundred and seventy-six of the Criminal Practice Act, (special order of the day,) was taken up with general file—considered as in Committee of the Whole, reported with a substitute and amendments; upon the adoption of the substitute as amended, the ayes and noes were demanded by Messrs. Watt, De Long, and Rhodes, and taken, with the following result:

AYES—Messrs. Banks, Bogart, De Long, Doll, Gaskill, Harvey, Harri-man, Hathaway, Hill, Kimball, Kutz, Oulton, Porter, Powers, Rhodes, Soule, and Van Dyke—17.

NOES—Messrs. Baker, Burnell, Chamberlain, Crane, Denver, Heacock, Holden, Irwin, Merritt, Nixon, Parks, Shafter, Shurtleff, Vineyard, and Watt—15.

Substitute read first and second times.

Mr. De Long moved a call of the Senate.

Carried.

Roll called.

Absent—Messrs. Perkins, Banks, Pacheco, Williamson, and Thomas.

The Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Shafter, further proceedings under the call were dispensed with.

On motion of Mr. Rhodes, the rules were suspended, bill considered engrossed, read third time, and on its passage the ayes and noes were

demand by Messrs. Watt, De Long, and Doll, and taken, with the following result :

AYES—MESSRS. Baker, Burnell, Chamberlain, Crane, Denver, Doll, Harvey, Harriman, Hathaway, Heacock, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Porter, Powers, Rhodes, Shafter, Soule, and Van Dyke—23.

NOES—MESSRS. Bogart, De Long, Hill, Holden, Parks, Shurtleff, Vineyard, and Watt—8.

So the bill passed.

Indefinite leave of absence was granted Mr. Gallagher.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
February 11th, 1862. }

MR. PRESIDENT:—The Assembly have passed Senate bill No. 95, concerning the construction of a bridge across Feather River.

W. N. SLOCUM,  
Assistant Clerk.

#### REPORTS.

Mr. Burnell, from the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 25, an Act to repeal an Act entitled an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty ;

Also, Senate bill No. 66, an Act to grant the right to construct a turn-pike road from the Great Bend of the Mohave River, in the County of San Bernardino, through Williamson's Pass, to the Pacific coast, at or near the town of Buenaventura, in the County of Santa Barbara ; and report the same correctly engrossed.

BURNELL, Chairman.

Mr. Shafter reported back Senate bill No. 121, with a substitute, and recommended the passage of the substitute.

Mr. Lewis, by leave, introduced a bill for an Act to provide for the pay of captains who have recruited and raised companies for the regiments of volunteers of this State, under the requisition of the President of the United States, and who are now actually in service of the United States under commission from the Governor of the State.

Read first and second times, and referred to the Committee on Military Affairs.

#### RESOLUTIONS.

Mr. Doll offered the following resolution :

*Resolved*, That the Committee on Contingent Expenses be instructed to inquire into and report the quantity and value of stationery used by

the Senate at this time, and whether any legislation be necessary to enforce economy in relation to such expenses.

Adopted.

Mr. Chamberlain offered the following resolution :

*Resolved.* That the Committee on Mileage inquire and report the amount due to Senators Crane, Holden, and Nixon, for visiting Sacramento, examining the State Library, and comparing Senate Bill No. 20 with enrolled copy of the Constitutional Amendments on file in the office of the Secretary of State.

Adopted.

On motion of Mr. Shurtleff, at fifteen minutes past three o'clock, P. M., the Senate adjourned.

J. McM. SHAFTER,

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 12th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Perkins was granted indefinite leave of absence; Mr. Harriman, for four days; and Mr. Hathaway, for one day.

Mr. Van Dyke presented a petition of citizens of Humboldt County, in favor of the Sunday Law, with amendments.

Referred to Committee on Public Morals.

## REPORTS.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 101, an Act to amend an Act entitled an Act to authorize married women to transact business in their own name as sole traders, passed April twelfth, eighteen hundred and fifty-eight, beg leave to report that they have had the same under consideration, and report it back with amendments, and recommend its passage as amended;

They have also considered Assembly bill No. 14, an Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale, approved February eleventh, eighteen hundred and sixty-one, and recommend its passage;



They have also considered Senate bill No. 107, an Act concerning evidence in certain cases, amended the same, and recommend its passage as amended.

RHODES, Chairman.

Mr. Parks, from the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims have had under consideration Senate bill No. 97, being for the relief of John T. Carey, Treasurer of Klamath County, being for commissions and mileage due him in his settlement with the State, made July twelfth, eighteen hundred and sixty-one, amounting to five hundred and twenty-eight dollars and seventy-six cents, and report the same back with amendments, and recommend the passage of the bill as amended.

PARKS, Chairman.

Amended by striking out section two.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was committed their report on Governor Downey's appointment of Nordheimer, as War Bond Commissioner, beg leave to report that they have had the same under consideration, amended the report, and recommend its adoption as amended.

RHODES, Chairman.

Mr. Irwin, from the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—Your Committee on Contingent Expenses have examined and found correct, and recommend the payment of, the following bills :

Claim of Houseman & McMans.....	\$325 00
Claim of A. G. Turner .....	25 00
Amounting to.....	\$350 00

R. IRWIN, Chairman.

Adopted.

Mr. Shurtleff, from the Committee on Mileage, made the following report :

MR. PRESIDENT :—The Committee on Mileage report forty-six dollars and eighty cents due Senators Crane, Holden, and Nixon, each, as mileage for travelling to and from Sacramento, in the performance of committee duty. We therefore recommend the adoption of the accompanying resolution :

*Resolved*, That forty-six dollars and eighty cents, payable out of the

Contingent Fund of the Senate, be allowed to Senators Crane, Holden, and Nixon, each, mileage in the performance of committee duties.

SHURTLEFF, Chairman.

Adopted.

Mr. Burnell, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 70, an Act concerning chattel mortgages, and report the same correctly engrossed.

BURNELL, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 11th, 1862.

*To the Senate of California :*

I have to inform your honorable body that I have approved the following bills :

Senate bill No. 7, an Act to direct the Controller of State in relation to drawing his warrants on the State Treasurer ;

Also, Senate bill No. 9, an Act relating to the payment of the salary of the Assistant or Deputy Clerk of the Clerk of the Board of Supervisors of the City and County of Sacramento ;

Also, Senate bill No. 13, an Act authorizing the District Attorneys of the Counties of Mariposa and Sutter to appoint Deputies ;

Also, Senate bill No. 24, an Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a turnpike road between the Town of Jackson and Lone City, in the County of Amador, approved April fifth, eighteen hundred and sixty-one ;

Also, Senate bill No. 26, an Act defining the boundaries of Humboldt County ;

Also, Senate bill No. 41, an Act to authorize the Warden of the County Jail of the City and County of Sacramento, to appoint Deputies, and to provide for the payment of the salaries thereof ;

Also, Senate bill No. 59, an Act providing for the holding of a special term of the District Court of the First Judicial District in and for the County of San Diego.

LELAND STANFORD, Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
February 12th, 1862.

Mr. PRESIDENT:—The Assembly have passed, with amendments, Senate bill No. 110, granting the right to construct a bridge across the Mokelumne River, at Middle Bar, to Adam Denzler.

W. N. SLOCUM,  
Assistant Clerk.

Mr. Merritt offered a concurrent resolution relative to overland mail.

Adopted.

On motion of Mr. Banks, Senate bill No. 65, an Act exempting home insurance companies from taxation, (special order of the day,) was placed on the top of the general file for to-morrow.

Senate bill No. 99, an Act to provide for the payment of the direct tax, (also special order for this day,) was placed on top of the file for to-day.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Chamberlain, for an Act to pay the claim of George E. Drew.

Read first and second times, and referred to the Committee on Claims.

By Mr. Harvey, for an Act to enable the Mayor and Common Council of the City of Placerville to pay a certain claim of William J. Lewis against said city.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Doll, for an Act concerning mileage.

Read first and second times, and referred to the Committee on Finance.

By Mr. Denver, for an Act to repeal an Act entitled an Act to fix the compensation of the Tax Collector of the County of El Dorado, and his Deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said county, and order the payment of certain county warrants issued by the County Auditor of said county, approved March second, eighteen hundred and fifty-nine.

Read first and second times, and placed on file.

By Mr. Hill, for an Act to provide for the transcribing of the records of surveys of Sonoma County.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported without amendment, rules further suspended, considered engrossed, read third time and passed.

By Mr. Baker, for an Act to extend the time for the collection of taxes in the Counties of Tulare and Fresno.

Read first and second times, and referred to the Finance Committee.

By Mr. Shurtleff, for an Act in addition to and amendatory of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. De Long, for an Act for the relief of certain persons who have suffered by the late flood.

Read first and second times, and referred to a Select Committee, consisting of Messrs. De Long, Parks, Oulton, Powers, Van Dyke, Porter, and Merritt.

#### REPORT.

Mr. Lewis, from the Amador and Calaveras delegation, made the following report:

MR. PRESIDENT:—The delegation from Amador and Calaveras Counties, to whom was referred Senate bill No. 55, an Act to grant the right to construct a bridge across the Mokelumne River, at a point known as Big

Bar, in Calaveras County, and to construct and maintain a road from Mokelumne Hill to the village of Butte, in Amador County, to Loehr and others—report the same back and recommend the passage of the substitute.

LEWIS,  
BURNELL,  
GALLAGHER.

#### GENERAL FILE.

Senate bill No. 25, an Act to repeal an Act entitled an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty—read a third time,

Upon which, Mr. Soule moved to make the bill the special order for Friday next, at one o'clock, P. M.

Lost.

On the passage of the bill, Messrs. Watt, Gallagher, and Doll, demanded the ayes and noes, with the following result :

AYES—Messrs. Bogart, Burnell, Chamberlain, Crane, Denver, De Long, Doll, Gaskill, Harvey, Hill, Kimball, Nixon, Oulton, Parks, Pacheco, Porter, Powers, Rhodes, Shafter, Soule, Van Dyke, Vineyard, and Warmcastle—23.

NOES—Messrs. Baker, Banks, Gallagher, Heacock, Holden, Irwin, Kutz, Lewis, Merritt, Shurtleff, Watt, and Williamson—12.

Mr. Gaskill gave notice of reconsideration.

Senate bill No. 110, an Act to grant the right to construct a bridge across the Mokelumne River, at Middle Bar, to Adam Denzler—Assembly amendments concurred in.

Senate bill No. 99, an Act to provide for the payment of the direct tax—considered as in Committee of the Whole, reported with amendments, amendments adopted, rules further suspended, bill considered engrossed, read a third time,

Upon which, Mr. Irwin moved to make the bill the special order for to-morrow, at half past eleven o'clock, A. M.

The Journal Clerk was granted leave of absence for three days.

#### RESOLUTIONS.

Mr. Denver offered the following resolution :

*Resolved*, That the Committee on Military Affairs be directed to report on Monday next in regard to the military appointments made by Governor Downey.

Adopted.

Mr. Banks introduced a concurrent resolution relative to the appointment of a Clerk for the Special Committee appointed to investigate the alleged Alcalde Grant fraud.

Adopted.

Mr. Gaskill offered the following resolution :

*Resolved*, That a committee of three be appointed by the Chair to con-



sult with capitalists, and ascertain on what terms California State Bonds, drawing ten per cent. per annum, and running three years, can be sold.

Indefinitely postponed.

On motion of Mr. Irwin, at four o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, February 13th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Baker presented a petition of citizens of Tulare County, relative to a sale of certain school lands in that county.

Referred to Committee on Education.

## REPORTS.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 135, an Act to enable the Mayor and Common Council of the City of Placerville to pay a certain claim of William J. Lewis against said city, beg leave to report that they have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

They have also considered Senate bill No. 21, an Act to authorize Alexander Boyd to sell certain real estate at private sale, as Administrator, and recommend that it be indefinitely postponed.

They have also considered Senate bill No. 129, an Act to regulate the term of office of County Surveyors, and recommend its indefinite postponement.

They have also considered Senate bill No. 115, an Act to fix and define the meaning of certain terms, and recommend that it be indefinitely postponed.

They have also considered Senate bill No. 113, an Act to amend an Act entitled an Act to authorize the guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, passed March fourteenth, eighteen hundred and fifty-six, and recommend that the same be indefinitely postponed.

They have also had under consideration, Senate bill No. 90, an Act to

fix the salary of the County Judge of Solano County, and recommend that the same be indefinitely postponed.

A. L. RHODES, Chairman.

Mr. Nixon, from the Committee on Public Morals, made the following report:

MR. PRESIDENT:—The Committee on Public Morals, having had under consideration Senate bill No. 106, an Act to authorize the Board of Supervisors of each county in this State to license places of amusement, ask leave to report the same back, with an amendment, and recommend its passage as amended; they also recommend that the title be amended so as to read as follows: "An Act concerning places of amusements."

NIXON, Chairman.

Mr. Burnell, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 38, an Act to provide for the transcribing of records of surveys in Sonoma County;

Also, substitute for Senate bill No. 81, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, and report the same correctly engrossed.

BURNELL, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

February 12th, 1862. }

MR. PRESIDENT:—I am directed to inform the Senate that the Assembly have concurred in Senate concurrent resolution No. 27, relative to over-land mail service.

Also, have passed Senate bill No. 15, an Act to amend an Act entitled an Act supplementary to an Act concerning Courts of Justice and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, approved May nineteenth, eighteen hundred and sixty-one.

Also, have passed Senate bill No. 100, an Act to legalize and provide for the collection of delinquent taxes in the County of Solano, due the City of Benicia.

W. N. SLOCUM,

Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. De Long, for an Act to authorize the sale of real estate belonging to the estate of Henry P. Haun, deceased, at private or public sale.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heacock, for an Act for the relief of T. McLaughlin.

Read first and second times, and referred to the Committee on Claims.

Also, for an Act providing for the condemnation of certain lands in the City and County of Sacramento, for public use.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Gaskill, for an Act amendatory of and supplementary to an

Act entitled an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte, approved May fifth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Butte and Plumas delegation.

By Mr. Banks, for an Act to provide for the formation of corporations for the accumulation and investment of funds and savings.

Read first and second times, and referred to the Committee on Corporations, and ordered printed.

#### SPECIAL ORDER.

Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by an Act of Congress, entitled an Act to provide for increased revenue from imports, to pay interest on the public debt, and for other purposes, passed the sixth day of August, eighteen hundred and sixty-one—was read third time, and on its passage the ayes and noes were demanded and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Crane, Denver, De Long, Doll, Gallagher, Harvey, Hathaway, Heacock, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—31.

NOES—Messrs. Gaskill, Hill, Parks, and Pacheco—4.

Mr. Van Dyke was excused from voting.

Mr. Gallagher introduced a resolution relative to the mineral lands.

Mr. Merritt moved to refer to the Committee on Mines and Mining Interests.

Pending which motion, the general file was taken up.

#### GENERAL FILE.

Assembly bill No. 72, an Act to authorize the removal of human remains in Placer County—considered as in Committee of the Whole, read a third time, and passed.

Assembly bill No. 59, an Act to authorize the Benicia Cemetery Association to close certain streets and alleys—considered as in Committee of the Whole, read a third time, and passed.

Senate bill No. 48, an Act to authorize Benjamin F. Washington to dispose of certain interests in a house and lot in San Francisco—committee amendments concurred in, considered as in Committee of the Whole, reported with amendments, amendments concurred in, rules suspended, considered engrossed, read a third time, and passed.

The claim of Eugene Lies for translating was taken from file, and laid on the table.

Senate bill No. 104, an Act to amend an Act entitled an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty—substitute adopted, read first and second times, and placed on file.

Senate bill No. 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof—rules suspended, considered engrossed, read a third time, and passed.

Senate concurrent resolution No. 6, relative to overland mail—indefinitely postponed.

Mr. De Long offered the following resolution :

WHEREAS, The glorious news has just reached here of the surrender of General Price, with all his forces, and

WHEREAS, It is customary and usual for legislative bodies throughout this Union to adjourn upon the anniversaries of such days as have been signalized by victories achieved by our armies, and

WHEREAS, We recognize in this news one of the most glorious proofs of our invincibility and success in arms, from which we may fairly infer that the present and the mightiest danger that has ever threatened the perpetuity of our Government is being crushed ; therefore be it

*Resolved*, That this Senate do now adjourn until to-morrow, at eleven o'clock, A. M., in honor of the recent victory.

Adopted.

So at half past one o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 14th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Shurtleff presented a claim of H. C. Stockton, for services as Sheriff of Shasta County.

Referred to Committee on Claims.

## REPORTS.

Mr. Rhodes made a verbal report, recommending the adoption of substitute for Senate bill No. 69, an Act for the punishment of trespassers.

Mr. Chamberlain made the following report :

MR. PRESIDENT:—The undersigned, a majority of the committee to whom were referred Senate bills Nos. 23 and 105, in relation to State Gauger, report the same back, with the accompanying bill as a substitute for said bills, and recommend the passage of the substitute.

WALTER VAN DYKE,  
C. H. CHAMBERLAIN,  
J. C. BOGART,  
J. G. DOLL.



Mr. Merritt, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The undersigned minority of the Judiciary Committee, to whom was referred the matter in relation to the appointment of B. Nordheimer, Commissioner of the California War Debt, in place of Samuel B. Smith, dissent from the report of the majority of your Committee, and submit the following minority report:

We find that Samuel B. Smith failed to proceed to Washington within sixty days, as required by the Act, and that within the spirit and express terms of the statute, and its true intent and meaning, a vacancy did exist at the time B. Nordheimer was appointed, and that said Nordheimer is now the true and lawful Commissioner acting in behalf of California in adjusting the claims of the State of California, and that he is so recognized by the Treasury Department.

That we are further satisfied that those claims are now nearly adjusted, and that any action of the Legislature calculated to embarrass or lessen the influence of the acting Commissioner would be doing the interests of the State an injustice, and be working great hardship to the holders of the War Claims.

The undersigned were members of the Senate when the bill passed requiring the Commissioners to proceed to Washington City within sixty days, and they did then believe this clause mandatory, and it was inserted with a view and intent that it should be strictly complied with.

The matter of the affidavits touching the residence and the attempted efforts at black mail upon the holders of the War Debt, are not properly before us; we therefore refrain from expressing an opinion as to the extent of Smith's moral delinquency, and would therefore respectfully recommend that the same be referred to a Special Committee.

Respectfully submitted.

DE LONG of Yuba,  
MERRITT of Mariposa.

Mr. Banks, from the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 87, an Act to provide for the construction of a railroad and wharf from a point on the San Joaquin River to the coal mines, and a right of way for the same, ask leave to report the same back, with a substitute, and recommend the passage of the substitute.

BANKS, Chairman.

Senate bill No. 87, above reported, was referred to the Committee on Commerce and Navigation.

Also, Senate bill No. 109, relating to the same subject, was taken from the table and referred to the same committee.

Mr. Banks offered a concurrent resolution relative to the appointment of Commissioners to the World's Fair.

Adopted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, February 13th, 1862.

*To the Honorable the Senate of California:*

I hereby nominate to the office of Port Warden of the port of San Francisco, J. B. Leonard, vice Robert Haley, resigned; Christopher C. Batterman, vice Lansing B. Mizner, removed; Gardner T. Lawton, vice Amos Noyes, removed; and ask the concurrence of the Senate therein.

LELAND STANFORD, Governor.

The above message was made the special order for Tuesday, February eighteenth, at twelve o'clock.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rhodes, for an Act to provide for the collection of delinquent taxes in the City of San José.

Read first and second times and placed on file.

By Mr. Kutz, for an Act to transfer certain funds.

Read first and second times, and referred to the Committee on Finance.

By Mr. Soule, for an Act to amend an Act entitled an Act to establish the salaries of the officers and pay of members of the Legislature, passed April twenty-first, eighteen hundred and fifty-six.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Doll, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Finance.

By Mr. Banks, for an Act to authorize Mrs. Mary Comstock and her minor children, Bertha Comstock, John Fall Osgood Comstock, and George Comstock, to sell their homestead.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act concerning street grades in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Quint, for an Act to authorize James Craig, guardian of the infant heirs of Michael Flanigan, deceased, to sell property in Tuolumne County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Holden, for an Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, eighteen hundred and fifty-two, and the Acts amendatory thereof.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Van Dyke, for an Act to amend an Act entitled an Act to incorporate the town of Eureka, approved April ninth, eighteen hundred and fifty-nine.

Read first and second times, and placed on file.

By Mr. Shafter, for an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the San Francisco delegation.

Also, an Act for binding minors as apprentices, clerks, and servants, by the San Francisco Ladies' Protection and Relief Society.

Read first and second times, and referred to the Committee on Public Morals.

#### RESOLUTIONS.

Mr. Chamberlain offered the following resolution :

*Resolved*, That the Committee on Public Morals are hereby directed to inquire if there is at present any violation of the Nineteenth Rule of the Joint Rules of the Senate and Assembly, and if so, if any officer or attaché of either branch of the Legislature is responsible therefor, and what action should be taken therein.

Laid on the table.

Mr. Merritt offered the following resolution :

*Resolved*, That the Finance Committee be instructed to inquire into the expediency of reporting a bill for an Act to tax the premiums received by foreign insurance companies doing business or having agencies in this State, and that said Committee report at as early a day as possible.

Adopted.

Mr. Heacock offered the following resolution :

*Resolved*, That R. K. Weston be and is hereby appointed Assistant Minute Clerk of the Senate, at the same per diem as allowed by law to Copying Clerks, to date from January twelfth, eighteen hundred and sixty-two, payable out of the fund set apart for the pay of officers of the Senate.

Unanimously adopted.

#### REPORTS.

Mr. Denver, from the Joint Committee on Printing, made the following report :

MR. PRESIDENT:—The Joint Committee on Printing, to whom was referred the report of the State Prison Directors, report the same back, with the accompanying resolution.

CHARLES W. DANA,

Chairman House Committee.

A. ST. C. DENVER,

Chairman Senate Committee.

Concurrent resolution above reported was adopted.

Mr. Gallagher moved to take Senate concurrent resolution No. 31 from unfinished business.

Lost.

Mr. Burnell, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT:—The Committee on Engrossment have examined and found correctly engrossed Senate bill No. 48, an Act to authorize Benjamin F. Washington to dispose of interests in a house and lot in San Francisco.

BURNELL, Chairman.

GENERAL FILE.

Senate bill No. 118, an Act concerning roads and highways in the County of Alameda—referred to Committee on Roads and Highways, and ordered printed.

Senate bill No. 86, an Act to transfer certain funds—rules suspended, considered engrossed, read third time, and passed.

Substitute for Senate bill No. 29, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 84, an Act to amend an Act entitled an Act supplementary to an Act to prevent the trespassing of animals on private property—ordered engrossed, and read third time.

Senate bill No. 111, an Act to grant the right to construct a bridge across the Stanislaus River, at a place known as Byrne's Ferry, to certain persons therein named—substitute adopted, read first and second times, rules suspended, amended, ordered engrossed, and read third time.

Senate bill No. 65, an Act to exempt insurance companies organized in this State from paying a stamp tax—(special order,) was placed on general file.

Senate bill No. 51, an Act to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 127, an Act to pay the Board of Managers of the State Institution for the Deaf, Dumb, and Blind—rules suspended, considered as in Committee of the Whole, reported and recommended, considered engrossed, read third time, and passed.

Senate bill No. 97, an Act for the relief of John T. Carey, late Treasurer of Klamath County—considered as in Committee of the Whole, reported with an amendment, amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 121, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—substitute adopted, read first and second times, rules suspended, considered engrossed, read a third time, and passed.

Senate bill No. 55, an Act to grant the right to construct a bridge across the Mokelumne River, at a point known as Big Bar, in Calaveras County, and maintain a road from Mokelumne Hill, in the County of Calaveras, to the village of Butte, in the County of Amador, to Louis Lochr and others—substitute adopted, read first and second times, rules suspended, bill amended, considered engrossed, read a third time, and passed.



## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
February 14th, 1862. }

Mr. PRESIDENT :—The House have adopted Assembly concurrent resolution No. 15, relative to a committee to visit the vineyard of Colonel Haraszthy, in which they ask the concurrence of the Senate, and the appointment of a committee in accordance thereto.

W. N. SLOCUM,  
Assistant Clerk.

Assembly concurrent resolution No. 15, above reported, was concurred in, and Messrs. Hill, Irwin, and Chamberlain, appointed on the part of the Senate, in accordance therewith.

ASSEMBLY CHAMBER, }  
February 14th, 1862. }

Mr. PRESIDENT :—The House have passed Assembly bill No. 66, an Act to grant to the Stanislaus Bridge and Ferry Company the right to construct and maintain a bridge across the Stanislaus River ;

Also, have adopted Assembly concurrent resolution No. 14, relative to the distribution of printed bills.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 66, above reported, was read first and second times, and referred to the delegations from Calaveras, Tuolumne, Stanislaus, and San Joaquin.

Assembly concurrent resolution No. 14, relative to printed bills, amended and concurred in.

## REPORT.

Mr. Porter made the following report :

Mr. PRESIDENT :—Your Committee, appointed and authorized to procure and cause to be fitted up proper apartments for this Legislature and the attachés thereof, and to remove thereto all the property and appurtenances belonging to this Legislature, respectfully beg leave to report—that they have examined and recommend the payment of the following bills :

Description.	Amount.
Bill of California Steam Navigation Company, for transportation of the property and appurtenances belonging to this Legislature, from Sacramento to San Francisco.....	\$1,000 00
Bill of Kennedy & Bell, for furnishing and laying down carpeting in Senate and Assembly chambers.....	214 00
Bill of D. W. Vancourt, for services as Porter seven days, at \$4 per day.....	28 00
Bill of John Lewis, for services as Porter seven days, at \$4 per day.....	28 00

Description.	Amount.
Bill of William J. Horton, for services as Porter seven days, at \$4 per day.....	\$28 00
Bill of J. Dougherty, for services as Porter four days, at \$4 per day.....	16 00
Bill of G. T. Bolden, for services as Porter four days, at \$4 per day.....	16 00

Your Committee further report, that they have assigned the rooms rented by them for the use of the Legislature, as follows :

To Whom Assigned.	No. Room.
To his Excellency the Governor.....	1
To Governor's Private Secretary.....	2
To Committee on Ways and Means, of Assembly.....	3
To Committee on Military Affairs, of Senate and Assembly.....	5
To Judiciary Committee, of Assembly.....	6
To Committee on Claims, of Senate and Assembly.....	7
To Special Committees.....	9
To Committees on Federal Relations and Public Morals, of Senate and Assembly .....	12
To Sergeant-at-Arms of Assembly.....	13
To Sergeant-at-Arms of Assembly.....	15
To Judiciary Committee, of the Senate.....	16
To Committees on Finance and Election, of Senate and Assembly.....	17
To Enrolling Clerk, of the Senate.....	18
To Copying Clerks of the Senate.....	19

Rooms in the third story of this building as follows :

To Enrolling Clerk of the Assembly.....	39
To Engrossing Clerk of the Assembly.....	38
To Copying Clerks of the Assembly.....	40
To Engrossing Clerk of the Senate .....	37

Furthermore, your Committee respectfully ask to be discharged.  
All of which is respectfully submitted.

GEO. K. PORTER,  
Chairman Senate Committee.  
D. B. HOFFMAN,  
Chairman Assembly Committee.

Mr. De Long moved to amend the report by inserting the words "a majority of" before the words "your committee."

Lost.

Mr. De Long made a verbal report, dissenting from the recommendations contained in the report.

Mr. Hill moved to amend by giving the Engrossing Clerk of the Senate room No. 17, the Finance Committee room No. 19, and the Copying Clerks of the Senate room No. 37.

Adopted.

Mr. Powers moved to amend by striking out rooms Nos. 1 and 2 to his Excellency the Governor and his Private Secretary.

Lost.

Mr. Heacock offered the following amendment :

That the Committee on Public Buildings be assigned one of the rooms at such times as they may desire to meet, by the Porter of the committee rooms.

Lost.

Mr. Porter moved that the report be referred to the Committee on Contingent Expenses.

Lost.

On motion of Mr. Van Dyke, that portion of the report relating to expenses was referred to the Committee on Claims.

The balance of the report was adopted.

On motion of Mr. Heacock, at three o'clock, P. M., the Senate adjourned.

J. McM. SHAFTER.

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 15th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Kutz, Gaskill, and Van Dyke, were granted one day leave of absence, each.

Mr. Shurtleff presented a petition of citizens of Shasta County, in favor of the present Sunday Law, with amendments.

Referred to the Committee on Public Morals.

## REPORTS.

Mr. Parks, from the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims have had under consideration Assembly bill No. 61, making appropriations for the payment of boatmen employed by the Sergeant-at-Arms of the Assembly during the flood at the Capital, and report the same back, without recommendation ;

Also, Assembly bill No. 18, being for the relief of D. Tryon, and recommend that it be referred to the Judiciary Committee;

Also, Senate bill No. 134, for the payment of George E. Drew, for services as Surveyor, under the Act annexing a portion of San Joaquin to Stanislaus County, amounting to two thousand two hundred and eighty-four dollars and thirty-three cents, and report the same back, with the recommendation that it be indefinitely postponed, for the reason that the committee are of the opinion that the expenses should be borne by the respective counties, and not by the State;

Also, Senate bill No. 144, for the relief of T. McLaughlin, for services as boatman in January, eighteen hundred and sixty-two, for the Controller's office, amounting to fifty dollars, and report the same back, with the recommendation that it be indefinitely postponed.

PARKS, Chairman.

Assembly bill No. 18, above reported, was referred to the Judiciary Committee.

Mr. Shurtleff, from the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage report the sum of sixty-nine dollars and twenty cents due Senators Perkins and Harriman, each, as mileage in travelling to and from the State Reform School, near Marysville, in the performance of committee duty. We therefore recommend the adoption of the accompanying resolution.

*Resolved*, That Senators Perkins and Harriman each shall be allowed sixty-nine dollars and twenty cents, payable out of the Contingent Fund of the Senate, as mileage in the performance of committee duties.

SHURTLEFF, Chairman.

Adopted.

Mr. Chamberlain, from the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred the report of Commissioners appointed to report on the grape culture of Europe, report the same back, with accompanying documents, and recommend that twenty-five hundred copies thereof be printed.

CHAMBERLAIN, Chairman.

Mr. Harriman, from the Placer delegation, made the following report:

MR. PRESIDENT:—The Placer delegation, to whom was referred Assembly bill No. 34, an Act concerning roads and streets in the Town of Auburn, having had the same under consideration, report it back, and recommend its passage.

HARRIMAN.

Mr. Lewis, from the Calaveras, Tuolumne, Stanislaus, and San Joaquin delegation, made the following report:

MR. PRESIDENT:—The delegation from Calaveras, Tuolumne, Stanislaus, and San Joaquin, to whom was referred Assembly bill No. 66, an Act to grant to the Stanislaus Bridge and Ferry Company the right to construct



and maintain a bridge or bridges across the Stanislaus River, have had the same under consideration; they beg leave to report the same back, and recommend its passage.

LEWIS.  
CHAMBERLAIN.  
QUINT.  
MERRITT.

Mr. Burnell, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 114, an Act to fix the salary of the County Judge of the County of Placer;

Also, substitute for Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by an Act of Congress entitled an Act to provide for increased revenue from imports, to pay interest on the public debt, and for other purposes, passed August sixth, eighteen hundred and sixty-one;

Also, substitute for Senate bill No. 121, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, substitute for Senate bill No. 55, an Act to grant the right to construct a bridge across the Mokelumne River, etc., to Louis Loehr and others; and report the same correctly engrossed.

BURNELL, Chairman.

Mr. Doll introduced a bill for an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Tehama County to remove the remains from the old graveyard in Red Bluff, to the new cemetery, and to levy a tax to pay the cost of the same, passed April eighth, eighteen hundred and sixty-one.

Read first and second times and placed on file.

Mr. Rhodes moved that the Committee on Roads and Highways be instructed to report back, to-day, Senate bill No. 118.

Carried.

#### GENERAL FILE.

Senate bill No. 137, an Act to repeal an Act entitled an Act to fix the compensation of the Tax Collector of El Dorado County, and his Deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said county, and to order the payment of certain warrants issued by the County Auditor of said county, approved March second, eighteen hundred and fifty-nine—referred to the El Dorado delegation.

Senate bill No. 107, an Act concerning evidence in certain cases—placed at top of file for Tuesday next, February eighteenth.

Assembly bill No. 14, an Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale, approved February eleventh, eighteen hundred and sixty-one—read third time and passed.

Senate bill No. 101, an Act to amend an Act entitled an Act to authorize married women to transact business in their own name, as sole traders, passed April twelfth, eighteen hundred and fifty-eight—made special

order for Wednesday, February nineteenth, at twelve o'clock, M., and ordered printed.

SPECIAL ORDER.

The message of the Governor appointing R. P. Johnson as a Port Warden of San Francisco, vice C. R. Street removed, (special order of the day,) was taken up.

On the confirmation of the appointment, the roll was called, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Harvey, Heacock, Nixon, Oulton, Powers, Rhodes, Soule, and Vineyard—11.

NOES—Messrs. Baker, Bogart, Crane, Denver, De Long, Doll, Hathaway, Holden, Irwin, Kimball, Lewis, Merritt, Parks, Porter, Quint, Shurtleff, Watt, and Williamson—18.

The majority and minority reports of the Judiciary Committee, on the War Bond Commission, was taken up.

Mr. Harvey offered the following resolution :

*Resolved*, That the whole matter touching the War Debt Commissioners be again referred to the Judiciary Committee, and with instructions to report a bill, or such amendments to the law creating the commission, as will best meet the existing difficulty.

Lost.

Mr. Soule moved to indefinitely postpone the whole subject.

Lost.

The report of the Committee, as made some days since, was amended as follows, viz.: by inserting in the first line, before the words "The Judiciary Committee," the words "a majority of," and by striking out all of the first report on the last page, after the words "when Governor Downey issued the new commission to Nordheimer founded upon such assumed vacancy," and inserting the following: "That Smith was then, and is yet, *de facto* and *de jure* such Commissioner; that Governor Downey's acts, in declaring the existence of such vacancy and issuing such commission to Nordheimer, were done under a misapprehension of the law, and neither destroyed any right of Smith nor conferred any right on Nordheimer."

A. M. CRANE,  
For the Committee.

On the adoption of the majority report, as amended by the Committee, the ayes and noes were demanded by Messrs. Lewis, Doll, and De Long, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, Denver, Doll, Harvey, Harriman, Hathaway, Heacock, Irwin, Kimball, Lewis, Nixon, Oulton, Parks, Porter, Powers, Rhodes, Shurtleff, Warmcastle, and Williamson—22.

NOES—Messrs. Baker, Bogart, De Long, Holden, Merritt, Soule, and Watt—7.

## GENERAL FILE RESUMED.

Senate bill No. 21, an Act to authorize Alexander Boyd to sell certain real estate at private sale, as Administrator—was indefinitely postponed.

Senate bill No. 115, an Act to fix the meaning of certain terms—was indefinitely postponed.

Senate bill No. 129, an Act to regulate the term of office of County Surveyors—was indefinitely postponed.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 15th, 1862. }

MR. PRESIDENT:—The Assembly have passed Senate bill No. 34, an Act authorizing the Board of Supervisors of Butte County to levy a special tax ;

Also, have passed Senate bill No. 62, an Act to amend an Act concerning Agricultural Societies ;

Also, have passed Assembly bill No. 74, an Act in relation to public roads in the county of El Dorado ;

Also, have passed Assembly bill No. 80, an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes ;

Also, have passed Assembly bill No. 81, an Act changing the time of meeting of the Supervisors of Sierra County ;

Also, have passed Assembly bill No. 88, an Act to authorize the Supervisors of Sutter County to levy a special tax ;

Also, have concurred in Senate concurrent resolution No. 30, relative to the erection of a State Capitol.

W. N. SLOCUM,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 80, above reported, was read first and second times, and referred to the Sierra delegation.

Assembly bill No. 81, above reported, was read first and second times, and referred to the Sierra delegation.

Assembly bill No. 88, above reported, was read first and second times, and placed on file.

Assembly bill No. 74, above reported, was read first and second times, and referred to the El Dorado delegation.

## GENERAL FILE RESUMED.

Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County—considered as in Committee of the Whole, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 135, an Act to enable the Mayor and Common Council of the City of Placerville to pay a certain claim of W. J. Lewis, against said city—referred to El Dorado delegation.

Substitute for Senate bill No. 104, an Act to amend an Act entitled an Act concerning forcible entries and unlawful detainers, passed April twenty-two, eighteen hundred and fifty—indefinitely postponed.

## REPORT.

Mr. Quint, from the Tuolumne delegation, made the following report:

MR. PRESIDENT:—The Committee, to whom was referred Assembly bill No. 56, an Act to amend an Act entitled an Act to make certain offices in Tuolumne County salaried offices, approved February twenty-one, eighteen hundred and sixty-one, have had the same under consideration, and report it back and recommend that the same be passed.

QUINT,  
WILLIAMSON,  
Of Tuolumne Delegation.

On motion of Mr. Lewis, at half past two o'clock, p. m., the Senate adjourned.

J. F. CHELLIS,  
President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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IN SENATE.

SENATE CHAMBER. }  
Monday, February 17th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Mr. Denver was granted two days leave of absence, and Mr. Warmcastle four days.

Mr. Heacock moved to reconsider the vote by which the Senate on Saturday rejected the appointment of R. P. Johnson as Port Warden of San Francisco.

The President decided the motion out of order, for the reason that the Chair on Saturday last, while occupied by the Senator from Sutter, Mr. Parks, decided that a notice of motion to reconsider was out of order, for the reason that a vote upon a nomination of the Executive was not the subject of reconsideration, and the Senate having acquiesced in such ruling, it furnished the rule for this occasion.

From this decision Mr. Perkins appealed.

Upon the question, "Shall the decision of the Chair stand as the decision of the Senate?" the ayes and noes were demanded by Messrs. Parks, Irwin, and Doll, and taken with the following result:

AYES—Messrs. Baker, Crane, De Long, Doll, Gallagher, Hathaway, Holden, Irwin, Kimball, Lewis, Merritt, Oulton, Parks, Porter, Quint, Rhodes, Shurtleff, Van Dyke, Vineyard, Watt, and Williamson—21.

NOES—Messrs. Banks, Burnell, Chamberlain, Gaskill, Harvey, Heacock, Kutz, Pacheco, Perkins, Powers, Shafter, and Soule—12.



So the decision of the Chair was sustained.

Messrs. Harriman and Nixon were granted indefinite leave of absence.

Mr. Hathaway, from the Committee on Federal Relations, made the following report :

MR. PRESIDENT :—The Committee on Federal Relations have had under consideration Senate concurrent resolutions Nos. 23 and 26, and Assembly concurrent resolution No. 11, all relating to and sustaining the Federal Government, and the majority recommend the indefinite postponement of the Senate resolutions, and the adoption of the Assembly concurrent resolution No. 11.

HATHAWAY,  
KUTZ,  
POWERS.

Pending the consideration of the above report, the general file was taken up.

#### GENERAL FILE.

Senate bill No. 114, an Act to fix the salary of the County Judge of Placer County—read third time, and passed.

Senate bill No. 113, an Act to amend an Act entitled an Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, passed March fourteenth, eighteen hundred and fifty-six—on the indefinite postponement of the bill, Messrs. Rhodes, Quint, and Kutz, demanded the ayes and noes, and the Senate refused, as follows :

AYES—Messrs. Crane, Hathaway, Kutz, Oulton, Porter, Rhodes, and Shafter—7.

NOES—Messrs. Baker, Banks, Burnell, Chamberlain, De Long, Gaskill, Holden, Irwin, Kimball, Parks, Powers, Quint, Soule, Shurtleff, Van Dyke, and Watt—16.

The rules were suspended, bill considered engrossed, read third time, and passed.

Senate bill No. 106, an Act to authorize the Board of Supervisors of each county in the State to license certain places of amusements—amended, and indefinitely postponed by the following vote, the ayes and noes being demanded by Messrs. Banks, Pacheco, and Watt :

AYES—Messrs. Baker, Crane, De Long, Doll, Hathaway, Holden, Kimball, Lewis, Perkins, Porter, Quint, Rhodes, Soule, Shurtleff, Watt, and Williamson—16.

NOES—Messrs. Banks, Burnell, Chamberlain, Gallagher, Gaskill, Harvey, Heacock, Irwin, Kutz, Oulton, Parks, Pacheco, Powers, Shafter, and Van Dyke—15.

Senate bill No. 69, an Act for the punishment of contempts and trespassers—substitute adopted, read first and second times, and placed on file.

Senate bill No. 23, an Act to repeal an Act to provide for the appointment of a Gauger for the port of San Francisco, passed May third, eighteen hundred and fifty-two—was recommitted to Committee on Finance.

Senate bill No. 105, an Act to amend an Act to provide for the appointment of Gauger for the port of San Francisco—was recommitted to Committee on Finance.

Senate bill No. 148, an Act to provide for the collection of delinquent taxes in the City of San José—rules suspended, bill considered engrossed, read third time, and passed; and the Secretary directed to transmit it immediately to the House.

Senate bill No. 155, an Act to amend an Act entitled an Act to incorporate the Town of Eureka—rules suspended, bill considered engrossed, read third time, and passed; and Secretary directed to transmit it immediately to the House.

Senate bill No. 65, an Act to exempt insurance companies organized in this State, from paying a stamp tax—was recommitted to the Finance Committee.

The report of the Committee on Agriculture, recommending that twenty-five hundred copies of the report of the Commission on the grape culture be printed—was adopted.

Senate bill No. 118, an Act concerning roads and highways in the County of Alameda—was amended, and on motion to recommit to the Committee on Roads and Highways, the ayes and noes were demanded, by Messrs. Crane, Quint, and Heacock, and taken with the following result:

AYES—Messrs. Kutz, Merritt, Oulton, Porter, Powers, Shafter, Soule, and Watt—8.

NOES—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, De Long, Doll, Gaskill, Harvey, Hathaway, Heacock, Holden, Kimball, Lewis, Parks, Pacheco, Quint, Rhodes, Shurtleff, and Van Dyke—20.

The bill was referred to the Senator from Alameda.

Mr. Crane reported the bill back with certain amendments, and recommended its passage.

Mr. Quint moved to suspend the rules and consider the bill now.

Upon which the ayes and noes were demanded by Messrs. Shafter, Soule, and De Long, and taken with the following result:

AYES—Messrs. Baker, Banks, Chamberlain, Crane, De Long, Gaskill, Harvey, Hathaway, Heacock, Kimball, Oulton, Pacheco, Porter, Quint, Rhodes, Soule, Shurtleff, and Vineyard—18.

NOES—Messrs. Burnell, Doll, Holden, Kutz, Lewis, Merritt, Parks, Powers, Shafter, Van Dyke, and Watt—11.

So the motion was lost, it requiring a two-thirds vote.

#### REPORTS.

Mr. Kimball made the following reports:

Mr. PRESIDENT:—The delegation from Sierra County, to whom was referred Assembly bill No. 81, an Act changing the time of meeting of the Board of Supervisors in and for the County of Sierra, respectfully report the same back and recommend its passage.

KIMBALL, of Delegation.

Mr. PRESIDENT :—The delegation from Sierra County, to whom was referred Assembly bill No. 80, an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes for the year eighteen hundred and sixty-two, respectfully report the same back and recommend its passage.

KIMBALL, of Delegation.

Assembly bills Nos. 80 and 81, above reported, were read a third time and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
February 17th, 1862. }

Mr. PRESIDENT :—The Assembly have passed Senate bill No. 28, an Act to repeal certain Acts ;

Also, have passed Senate bill No. 96, an Act for the relief of holders of stamps issued for bills of lading ;

Also, have passed Assembly bill No. 86, an Act for the relief of tax payers of Mendocino County ;

Also, have concurred in Senate concurrent resolution No. 83, relative to printing the reports of State Prison Directors ;

Also, have adopted Assembly concurrent resolution No. 16, relative to a committee to wait on the State Geologist ;

Also, have concurred in the Senate amendments to Assembly concurrent resolution No. 14, concerning the distribution of printed bills.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 86, above reported, read first and second times, and referred to the Finance Committee.

Assembly concurrent resolution No. 16, above reported, concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Merritt, for an Act concerning roads and highways in the County of Mariposa.

Read first and second times, and referred to Committee on Roads and Highways.

By Mr. Van Dyke, for an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-nine, eighteen hundred and fifty, and other Acts amendatory thereto.

Read first and second times, and referred to the Judiciary Committee, and ordered printed.

By Mr. Shurtleff, for an Act to transcribe certain records in the County of Shasta.

Read first and second times, and placed on file.

By Mr. Doll, for an Act to amend an Act entitled an Act to establish Pilots and pilot regulations for the port of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Baker, for an Act to provide for the construction of a wagon

road from the Town of Visalia, in Tulare County, across the Sierra Nevada Mountains in the direction of the Coso Mining District.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Banks, for an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Mr. Kutz introduced concurrent resolution relative to overland mail.

Referred to Committee on Federal Relations.

Mr. Porter, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled, Senate bill No. 95, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine, and to repeal section two of an Act amendatory and supplementary thereto;

Also, substitute for Senate bill No. 32, an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 110, an Act to grant the right to construct a bridge across the Mokelumne River, at Middle Bar, to Adam Denzler;

Also, Senate concurrent resolution relative to memorializing Congress to create a new Collection District in the northern part of this State; and this day, February seventeenth, eighteen hundred and sixty-two, delivered the same to the Governor for his approval.

GEO. K. PORTER, Chairman.

On motion of Mr. Irwin, the vote by which Senate bill No. 104 was on Saturday indefinitely postponed, was reconsidered, and the bill referred to the delegation from Butte and Plumas.

Mr. Gallagher moved to take from unfinished business Senate concurrent resolution No. 31, relative to mineral lands.

Carried, and the resolutions were amended and adopted.

On motion of Mr. Merritt, at three o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,

Tuesday, February 18th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.



## REPORTS.

Mr. Soule, from the Committee on Commerce and Navigation, made the following reports :

MR. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 109, have considered the same, and recommend that it be amended as follows : strike out all between the word “ river,” in the third line, and the word “ being,” in the sixth line of the first section, and insert the words “ between a point one-half of a mile easterly, or up stream, from the house known as the Bacon House, and a point one fourth of a mile westwardly, or down stream, from said house,” and thus amended, recommend its passage.

S. SOULE, Chairman.

MR. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 87, and a substitute, have considered the same, and recommend that the substitute be amended by inserting the word “ half” between the word “ one,” in the third line, and the word “ mile,” in the fourth line of the first section, and, thus amended, recommend its passage.

S. SOULE, Chairman.

MR. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 56, an Act amendatory of and supplemental to an Act amendatory of and supplemental to an Act entitled an Act concerning passengers arriving in the port of this State, approved May third, eighteen hundred and fifty-two, and the several Acts amendatory thereof and supplemental thereto, have had the same under consideration, and report the same back with a substitute, and recommend the passage of the substitute.

S. SOULE, Chairman.

Mr. Banks moved that substitute for Senate bill No. 56, above reported, be ordered printed.

The President pro tem. decided the motion out of order under the present order of business.

Mr. Banks appealed, and the decision of the Chair was sustained.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 73, an Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five, beg leave to report that they have had the same under consideration, and a majority of the Committee recommend its passage ;

They have also considered Senate bill No. 60, an Act limiting the time for the commencement of actions in any Court of Justice in this State, and report the same back, with a substitute, and recommend the passage of the substitute ;

They have also considered Senate bill No. 153, an Act authorizing James Craig, Guardian of the infant heirs of Michael Flanigan, deceased, to sell property in Tuolumne County, and recommend that the same be indefinitely postponed ;

They have also considered Senate bill No. 132, an Act to amend an Act entitled an Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty-one, approved February twenty-second, eighteen hundred and sixty-one, and recommend its indefinite postponement;

They have also considered Senate bill No. 64, an Act to authorize the Governor of the State of California to convey certain real estate, and report the same back, with amendments, and recommend its passage as amended;

They have also considered Senate bill No. 150, an Act to authorize Mrs. Mary Comstock and her minor children, Bertha Comstock, John Felt Osgood, and George Comstock, to sell their homestead, and recommend its indefinite postponement;

They have also considered Senate bill No. 140, an Act in addition to and amendatory of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and recommend that the same be indefinitely postponed;

They have also considered Senate bill No. 143, an Act to authorize the sale of real estate belonging to the estate of Henry P. Haun, deceased, at private or public sale, and recommend its indefinite postponement;

They have also considered Senate bill No. 10, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Acts amendatory of said Act, and recommend that the same be indefinitely postponed;

They have also considered Senate bill No. 12, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, and recommend its indefinite postponement;

They have also considered Senate bill No. 149, an Act to amend an Act entitled an Act to establish the salaries of the officers and pay of members of the Legislature, passed April twenty-first, eighteen hundred and fifty-six, and report the same back, with amendments, and recommend its passage as amended.

All of which is respectfully submitted.

A. L. RHODES, Chairman.

Mr. Banks, from the Committee on Corporations, made the following report:

MR. PRESIDENT:—Your Committee on Corporations, to whom was referred Senate bill No. 128, an Act in addition to an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, approved April thirteenth, eighteen hundred and fifty-five, having carefully considered the same, beg leave to report it back, and recommend that it do not pass.

BANKS, Chairman.

Mr. Pacheco, from the Committee on Public Lands, made the following report:

MR. PRESIDENT:—Your Committee on Public Lands have had under consideration Senate bill No. 154, an Act to amend an Act entitled an Act prescribing the modes of maintaining and defending possessory actions

on public lands in this State, approved April twentieth, eighteen hundred and fifty-two, and the Acts amendatory thereof, and recommend its passage.

R. PACHECO, Chairman.

Mr. Harvey, of the Special Committee appointed at the last session to visit the State Insane Asylum, made a report, which was ordered printed.

Mr. Irwin presented certain accounts against the Sergeant-at-Arms.

Referred to Committee on Contingent Expenses.

Also, gave notice of the introduction of a bill concerning the office of State Printer.

Mr. Powers, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 20, Amendments to the Constitution;

Also, substitute for Senate bill No. 111, an Act to grant the right to construct a bridge across the Stanislaus River, at a place known as Byrne's Ferry, to certain persons therein named, and report the same correctly engrossed.

POWERS, of Committee.

On motion of Mr. Banks, substitute for Senate bill No. 56 was ordered printed.

On motion of Mr. Gaskill, the majority report of the Committee on Federal Relations, on certain resolutions relative to maintaining the Federal Government, was made the special order for Friday next, February twenty-one, at eleven and a half o'clock.

#### GENERAL FILE.

Assembly bill No. 88, an Act to authorize the Board of Supervisors in and for Sutter County to levy a special tax for the repair of the Court House in said county—was considered as in Committee of the Whole, read third time and passed.

Assembly bill No. 66, an Act to grant to the Stanislaus Bridge and Ferry Company the right to construct and maintain a bridge or bridges across the Stanislaus River—was considered as in Committee of the Whole, read third time, and passed.

Assembly bill No. 56, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne, salaried offices, approved February twenty-one, eighteen hundred and sixty-one—was considered as in Committee of the Whole, read third time, and passed.

Assembly bill No. 61, an Act making appropriations for the payment of boatmen employed by the Sergeant-at-Arms of the Assembly during the flood at the Capital—was amended and indefinitely postponed.

Assembly bill No. 34, an Act concerning roads and streets in the Town of Auburn—was considered as in Committee of the Whole, read third time, and passed.

#### SPECIAL ORDER.

The hour for the special order having arrived, the Senate went into Executive Session, for the purpose of considering the message of the

Governor relative to the appointment of Port Wardens of San Francisco, as follows :

J. B. Leonard, vice Robert Haley, resigned ;  
 Christopher C. Batterman, vice Lansing B. Mizner, removed ;  
 Gardner T. Lawton, vice Amos Noyes, removed.

#### EXECUTIVE SESSION.

Upon the confirmation of the appointment of J. B. Leonard, the roll was called, with the following result :

AYES—MESSRS. Baker, Banks, Bogart, Burnell, Chamberlain, Crane, Denver, De Long, Gallagher, Gaskill, Harvey, Hathaway, Hill, Holden, Irwin, Kimball, Kutz, Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, Shurtleff, Van Dyke, Vineyard, Watt, and Williamson—31.

NOES—Mr. Soule—1.

Upon the confirmation of the appointment of Christopher C. Batterman, the roll was called, with the following result :

AYES—MESSRS. Banks, Burnell, Chamberlain, Crane, Gaskill, Harvey, Hathaway, Kimball, Kutz, Nixon, Oulton, Pacheco, Perkins, Porter, Powers, Rhodes, and Shafter—17.

NOES—MESSRS. Baker, Bogart, Denver, De Long, Gallagher, Heacock, Hill, Holden, Irwin, Merritt, Parks, Soule, Shurtleff, Vineyard, Watt, and Williamson—16.

Upon the confirmation of the appointment of Gardner T. Lawton, the roll was called, with the following result :

AYES—MESSRS. Banks, Chamberlain, Crane, Gaskill, Hathaway, Irwin, Kimball, Kutz, Lewis, Nixon, Oulton, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, and Williamson—18.

NOES—MESSRS. Baker, Bogart, Burnell, Denver, De Long, Gallagher, Harvey, Heacock, Hill, Holden, Merritt, Parks, Soule, Shurtleff, Vineyard, and Watt—16.

#### GENERAL FILE RESUMED.

Senate bill No. 107, an Act concerning evidence in certain cases—considered as in Committee of the Whole, reported with amendments, amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Senate bill No. 144, an Act for the relief of T. McLaughlin—indefinitely postponed.

The vote by which Senate bill No. 106, an Act to authorize the Board of Supervisors of each county in this State to license certain places of amusement, was on yesterday indefinitely postponed—was reconsidered, and the bill recommitted to Committee on Public Morals.

Senate bill No. 69, an Act for the punishment of contempts and trespassers—rules suspended, considered engrossed, read a third time, and, on its passage, Messrs. Crane, Pacheco, and Gallagher, demanded the ayes and noes, with the following result :



AYES—Messrs. Burnell, Denver, Harvey, Hathaway, Heacock, Hill, Kutz, Lewis, Merritt, Oulton, Parks, Pacheco, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Watt—20.

NOES—Messrs. Baker, Banks, Chamberlain, Crane, Gaskill, Holden, Irwin, Nixon, Perkins, Vineyard, and Williamson—11.

Senate bill No. 134, an Act to pay the claim of George E. Drew—referred to the Judiciary Committee.

Senate bill No. 161, an Act to transcribe certain records of the County of Shasta—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 118, an Act concerning roads and highways in the County of Alameda—considered in Committee of the Whole, reported with amendments, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

#### REPORTS.

Mr. Porter, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—Your Committee on Enrolment have examined and found correctly enrolled, Senate bill No. 48, an Act to authorize Benjamin F. Washington to dispose of certain interests in a house and lot in San Francisco, and on this eighteenth day of February, eighteen hundred and sixty-two, at twelve o'clock, M., presented the same to the Governor for his approval.

GEORGE K. PORTER, Chairman.

Mr. Burnell made the following report:

MR. PRESIDENT:—The Committee to whom was referred Senate bill No. 47, an Act in relation to public roads in the County of Amador, and to the road fund of said county, have had the same under consideration, report the same back with amendments, and recommend its passage as amended.

BURNELL.

Senate bill No. 47, above reported, was considered as in Committee of the Whole, amendments reported adopted, rules suspended, bill considered engrossed, read third time, and passed.

Mr. Gaskill reported back substitute for Senate bill No. 104, an Act to amend an Act entitled an Act concerning forcible entries and unlawful detainers, with an amendment, and recommended its passage as amended.

Bill above reported indefinitely postponed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Vineyard, for an Act to exempt from taxation the Charitable Institute, and all seminaries of learning belonging to and under the management of the Sisters of Charity, and all property belonging to churches for benevolent purposes in the County of Los Angeles.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Harvey, for an Act to amend an Act entitled an Act to fix the terms of the County Court and Court of Sessions of the County of El Dorado, approved April twelfth, eighteen hundred and fifty-nine.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 18th, 1862. }

MR. PRESIDENT :—The Assembly have adopted concurrent resolution No. 13, concerning leave of absence to J. C. McQuade, District Attorney of Sutter County ;

Also, have passed Assembly bill No. 48, an Act for the purchase and preservation of public newspapers ;

Also, have passed Assembly bill No. 54, an Act supplementary to an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one ;

Also, have passed Assembly bill No. 72, an Act concerning mining associations and companies ;

Also, have passed Assembly bill No. 90, an Act to authorize the Board of Supervisors of Solano County to levy an additional road tax ;

Also, have passed Assembly bill No. 92, an Act to fix the terms of the different Courts in the County of San Mateo ;

Also, have passed Assembly bill No. 102, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment and maintenance of roads and bridges ;

Also, have passed Assembly bill No. 119, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special tax.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 119, above reported, was read first and second times, and referred to the Placer delegation.

Assembly bill No. 48, above reported, was read first and second times, and referred to the Committee on Public Morals.

Assembly bill No. 54, above reported, was read first and second times, and referred to the Committee on Agriculture.

Assembly bill No. 72, above reported, was read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly bill No. 90, above reported, was read first and second times, and referred to the Solano delegation.

Assembly bill No. 102, above reported, was read first and second times, and referred to the Contra Costa delegation.

Assembly bill No. 92, above reported, was read first and second times, and referred to the San Mateo delegation.

Assembly concurrent resolution No. 13, above reported, was placed on file.

Mr. Shafter offered the following resolution:

*Resolved*, That the use of the Senate Chamber be granted to the General Committee on the World's Fair, for the purpose of a meeting of that committee, on the evening of Saturday, February twenty-second, eighteen hundred and sixty-two.

Adopted.

On motion of Mr. Denver, at half past two, P. M. the Senate adjourned.

J. McM. SHAFTER.

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Wednesday, February 19th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. Perkins, from the Committee on Finance, made the following report:

MR. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 131, an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one, have had the same under consideration, and report the same back to the Senate, and recommend its passage;

Also, have had under consideration Senate bill No. 152, an Act to transfer certain funds, and report the same back, with an amendment, and recommend its passage;

Also, have had under consideration Senate bill No. 139, an Act to extend the time for the collection of taxes in the Counties of Tulare and Fresno, and report the same back, and recommend its indefinite postponement;

Also, have had under consideration Assembly bill No. 86, an Act for the relief of tax payers of Mendocino County, and report the same back, and recommend its indefinite postponement.

PERKINS, Chairman.

Mr. Oulton, from the Committee on Mines and Mining Interests, made the following report:

MR. PRESIDENT:—The Committee on Mines and Mining Interests, to whom was referred Senate bill No. 93, an Act to provide for a gradually increasing tax upon Mongolians in this State, report the same back with a substitute, and recommend the passage of the substitute.

OULTON, Chairman.

Mr. Burnell, from the Committee on Engrossment, made the following reports :

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 127, an Act to pay the Board of Managers of the State Institution of the Indigent Deaf, Dumb, and Blind;

Also, Senate bill No. 86, an Act to transfer certain funds;

Also, Senate bill No. 97, an Act for the relief of John T. Carey, late Treasurer of Klamath County; and report the same correctly engrossed.

BURNELL, Chairman.

MR. PRESIDENT:—Your Committee, to whom was referred resolution authorizing the Clerk on Engrossment to employ an Assistant, have considered the same, and report the same back with amendment, and recommend its passage as amended.

BURNELL.  
POWERS.  
QUINT,  
DOLL,  
KIMBALL.

The resolution above reported was recommitted to the Engrossing Committee, with special instructions, to ascertain the work already done, and now in the hands of the Engrossing Clerk, and to report to-morrow.

Mr. Crane, from the Committee on State Library, made the following reports :

MR. PRESIDENT:—The Committee on State Library, to whom was referred Senate bill No. 68, an Act to authorize the State Librarian to have certain books in the State Library repaired, beg leave to report, that in order to determine upon the propriety of said bill, they visited Sacramento on the eleventh instant, and made a personal examination of the Library, and found that about one thousand volumes had been more or less damaged; the others being slightly wetted, so as to start the label, which can easily be glued and fastened.

Of the five hundred volumes so badly damaged, about one half, as near as we can estimate, are public documents which have duplicates already in the Library, or which may be duplicated from other States, or from the General Government, without cost.

Probably not over two hundred and fifty volumes will have to be rebound, and it ought not to cost over three hundred dollars to do all this work. We would recommend that all the balance, not deemed worth rebinding, be sold at public auction, and the proceeds paid into the Library Fund.

We herewith, in accordance with what has been stated, present a substitute for said bill, and recommend the passage of the substitute.

The majority of the Committee exonerated the Librarian from any blame for such damage—the Chairman of the Committee having no



facts before him from which he has been able to form any opinion on the subject.

CRANE, Chairman.

Mr. PRESIDENT:—The Committee on State Library to whom was referred Senate bill No. 89, an Act amendatory of an Act entitled an Act prescribing rules for the government of the State Library, having had the same under consideration, beg leave to report—that they have examined the same, and a majority of your Committee recommend its passage.

CRANE, Chairman.

Mr. Harvey made the following report :

Mr. PRESIDENT:—The El Dorado delegation, to whom was referred Senate bill No. 135, an Act to authorize the Mayor and Common Council of the City of Placerville to pay a certain claim of William J. Lewis against said city, have had the same under consideration, and report the same back, without amendment, and recommend its passage ;

Also, have had under consideration Assembly bill No. 74, an Act in relation to public roads in the County of El Dorado, and to the road fund of said county, and report the same back, with amendments, and recommend its passage as amended.

O. HARVEY.

For the Delegation.

Assembly bill No. 74, above reported, amended, read third time, and passed.

Mr. Powers made the following report :

Mr. PRESIDENT:—The Solano delegation have had under consideration Assembly bill No. 90, and beg leave to report the same back with amendments, and recommend its passage as amended.

POWERS.

Assembly bill No. 90, above reported, was amended, read third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER. }  
February 19th, 1862. }

Mr. PRESIDENT:—The Assembly have concurred in Senate concurrent resolution No. 32, relative to appointing delegates to the World's Fair.

W. N. SLOCUM.

Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Chamberlain, for an Act to locate the county seat of Stanislaus County.

Read first and second times, and referred to Stanislaus delegation.

By Mr. Holden, for an Act to provide for transcribing certain records in the Recorder's office of Napa County, pertaining to Lake County.

Read first and second times, and placed on file.

Mr. Rhodes offered the following resolution :

*Resolved.* That the Sergeant-at-Arms be and is hereby authorized and directed to put the different Senate Committees in possession of the rooms in this building assigned to them by the Joint Committee on Removal.

Adopted.

GENERAL FILE.

Substitute for Senate bill No. 111, an Act to grant the right to construct a bridge across the Stanislaus River, at a place known as Byrne's Ferry, to certain parties therein named—read a third time and passed.

Senate bill No. 20, Amendments to the Constitution—read third time, and on the adoption of Art. 5, Mr. Gaskill moved that it be considered by sections : which motion was declared out of order. (Mr. Merritt in the chair,) and that each Article should be considered as an entirety, from which decision Mr. De Long appealed, and the decision of the Chair was not sustained.

On motion of Mr. De Long, the further consideration of the subject was postponed until Tuesday, the twenty-fifth instant, at twelve o'clock, m., by the following vote, the ayes and noes being demanded by Messrs. Quint, Porter, and Lewis :

AYES—MESSRS. Baker, Banks, Chamberlain, Crane, De Long, Hathaway, Lewis, Merritt, Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Quint, Shafter, Soule, Shurtleff, and Vineyard—20.

NOES—MESSRS. Burnell, Denver, Doll, Gaskill, Harvey, Hill, Holden, Kimball, Kutz, Van Dyke, Watt, and Williamson—12.

Mr. De Long moved that the usual number of copies be ordered printed.

Upon which, Messrs. Shafter, Soule, and De Long, demanded the ayes and noes, and the motion was lost, as follows :

AYES—MESSRS. Baker, De Long, Hill, Lewis, Nixon, Perkins, Porter, Powers, Quint, Shurtleff, and Vineyard—11.

NOES—MESSRS. Banks, Burnell, Chamberlain, Crane, Denver, Doll, Gaskill, Harvey, Hathaway, Holden, Kimball, Kutz, Merritt, Oulton, Parks, Pacheco, Rhodes, Shafter, Soule, Van Dyke, Watt, and Williamson—22.

Senate bill No. 101, an Act to amend an Act entitled an Act to authorize married women to transact business in their own names as sole traders, passed April twelfth, eighteen hundred and fifty-eight—considered as in Committee of the Whole, reported with amendments, amendments adopted, rules suspended, considered engrossed, read third time, passed, and title amended.

Senate bill No. 159, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Tehama County to remove the remains from the old grave yard in Red Bluff, to the new cemetery, and to levy a tax to pay the cost of the same, passed April eighth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 128, an Act in addition to an Act entitled an Act amen-

datory of an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, approved April thirteenth, eighteen hundred and fifty-five—referred to the Committee on Corporations.

Senate bill No. 132, an Act to amend an Act entitled an Act to amend an Act entitled an Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty-one, approved February twenty-second, eighteen hundred and sixty-one—indeinitely postponed.

Mr. Bogart was granted indefinite leave of absence.

On motion of Mr. Irwin, at ten minutes past two o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER, }  
Thursday, February 20th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Indefinite leave of absence was granted to Mr. Banks.

## PETITIONS.

Petitions were presented as follows:

Mr. Hill presented a petition of the citizens of Sonoma, referring to corporation of said city.

Referred to the Committee on Corporations.

Mr. Crane presented a petition of Thomas Chambers, in reference to a certain claim against the State.

Referred to Committee on Claims.

## REPORTS.

Mr. Gallagher, from the Committee on Education, made the following report:

MR. PRESIDENT:—The Committee on Education, to whom was referred the petition of citizens of Tulare County, regarding the sale of certain School Lands therein described, have had the same under consideration, and report favorably, and recommend the passage of the accompanying bill.

P. A. GALLAGHER, Chairman.

Mr. Burnell, from the Committee on Engrossment, made the following reports :

Mr. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the principal and interest thereof;

Also, Senate bill No. 163, an Act to provide for the construction of a wagon road from the Town of Visalia, in Tulare County, across the Sierra Nevada Mountains;

Also, Senate bill No. 107, an Act concerning evidence in certain cases;

Also, an Act to fix the salary of the County Judge of Solano County; and report the same as correctly engrossed.

BURNELL, Chairman.

Mr. PRESIDENT :—Your Committee, to whom was committed resolution authorizing the Engrossing Clerk to employ an Assistant, with instructions to ascertain the amount of engrossing done, also the number of folios in the hands of the Clerk, respectfully report that they have examined, and find the whole number of bills engrossed and reported to the Senate, up to the nineteenth instant, thirty-six; the number of folios engrossed during the past ten days, one hundred and eight; the whole number of folios in the hands of the Clerk, waiting engrossment, one hundred, which were placed in his hands within the last two days. Your Committee report the resolution to the Senate without recommendation.

BURNELL,  
OULTON,  
POWERS.

Mr. Crane moved to amend the resolution by inserting after the word "Assistant," the words "after the first of March."

Lost.

The question of adopting the resolution being under consideration, the hour arrived for taking up the general file.

#### GENERAL FILE.

Assembly bill No. 140, an Act in addition to and amendatory of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—*indefinitely postponed*.

Senate bill No. 143, an Act to authorize the sale of real estate belonging to the estate of Henry P. Haun, deceased, at private or public sale—considered as in Committee of the Whole, rules suspended, considered engrossed, read third time, and on its passage Messrs. Shurtleff, De Long, and Rhodes, demanded the ayes and noes, with the following result :

AYES—Messrs. Baker, Bogart, Burnell, Chamberlain, De Long, Gaskill, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Lewis, Merritt, Nixon, Oulton, Parks, Pacheco, Perkins, Powers, Quint, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—28.

NOES—Messrs. Crane, Denver, Doll, Kutz, Porter, Rhodes, and Shafter—7.

Senate bills Nos. 87 and 109, providing for the erection of wharves on



the San Joaquin River—were placed at the top of the file for Monday. February twenty-fourth, instant.

Senate bill No. 153, an Act to authorize James Craig, Guardian of the infant heirs of Michael Flanigan, deceased, to sell property in Tuolumne County.

Mr. Burnell moved to suspend the rules, and that the bill be considered engrossed and read a third time.

Upon which, the ayes and noes were demanded by Messrs. Shafter, Rhodes, and Doll, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Burnell, Chamberlain, De Long, Heacock, Hill, Holden, Lewis, Merritt, Oulton, Parks, Pacheco, Perkins, Quint, Shurtleff, Watt, and Williamson—18.

NOES—Messrs. Crane, Denver, Doll, Gaskill, Hathaway, Irwin, Kimball, Kutz, Nixon, Porter, Powers, Rhodes, Shafter, and Soule—14.

So the motion was lost, and the bill ordered engrossed.

Senate bill No. 150, an Act to authorize Mrs. Mary Comstock and her minor children, Bertha Comstock, John Fall Osgood, and George Comstock, to sell their homestead—indefinitely postponed.

Senate bill No. 60, an Act supplemental to an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 154, an Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, eighteen hundred and fifty-two, and the Acts amendatory thereof—considered in Committee of the Whole, and reported without amendment.

Mr. Shafter offered the following amendment to section two: "The provisions of this Act shall extend to all claims under any Spanish or Mexican grant."

Lost.

On motion of Mr. Doll, the bill was referred to the Judiciary Committee, and ordered printed.

Senate bill No. 73, an Act amendatory of an Act entitled an Act amendatory of an Act and supplementary to an Act entitled an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 64, an Act to authorize the Governor of the State of California to convey certain real estate—considered in Committee of the Whole, reported with amendments, amendments adopted, ordered engrossed, and read third time.

Senate bill No. 149, an Act to amend an Act entitled an Act to establish the salaries of the officers and pay of members of the Legislature, passed April twenty-first, eighteen hundred and fifty-six—referred to Finance Committee.

Assembly concurrent resolution No. 13, concerning leave of absence to J. C. McQuaid, District Attorney of Sutter County—adopted.

Senate bill No. 152, an Act to transfer certain funds—amended, rules suspended, considered engrossed, and read third time, and on its passage, Messrs. Chamberlain, Nixon, and Heacock, demanded the ayes and noes, which were taken, with the following result :

AYES—Messrs. Baker, Burnell, Crane, Denver, Doll, Gaskill, Hathaway, Hill, Kimball, Kutz, Lewis, Pacheco, Perkins, Porter, Powers, Quint, Rhodes, Van Dyke, and Vineyard—19.

NOES—Messrs. Chamberlain, Harvey, Heacock, Holden, Merritt, Nixon, Oulton, Parks, Shafter, Soule, Shurtleff, and Warmcastle—12.

Mr. Warmcastle made the following report :

MR. PRESIDENT :—The undersigned, to whom was referred Assembly bill No. 102, has had the same under consideration, and reports it back with the recommendation to amend the first section by striking out the word "fifty," in line seven, and insert in lieu thereof the word "thirty," and in line eight strike out the word "sixty," and insert in lieu thereof the word "fifty."

J. M. WARMCASTLE.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 20th, 1862. }

*To the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 95, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine, and to repeal section two of an Act amendatory and supplemental thereto ;

Also, Senate bill No. 110, an Act to grant the right to construct a bridge across the Mokelumne River, at Middle Bar, in Calaveras and Amador Counties, to Adam Denzler and associates ;

Also, substitute for Senate bill No. 32, an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts supplementary thereof and supplemental thereto.

LELAND STANFORD, Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Quint, for an Act to provide for the formation of associations for the purpose of more effectually reclaiming the swamp and overflowed lands of this State.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Warmcastle, for an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Harvey, for an Act for the relief of purchasers of swamp lands.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Soule, for an Act to provide for the incorporation of canal companies.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Hathaway, for an Act in relation to the Register of the State Land Office.

Read first and second times, and referred to the Committee on Finance.

By Mr. Heacock, for an Act for the relief of E. B. Ryan, Assessor for the City and County of Sacramento.

Read first and second times, and placed on general file.

#### RESOLUTIONS.

Mr. Porter offered a concurrent resolution requesting the Treasurer and the Controller of State to communicate to this Legislature, as promptly and fully as possible, the amount of liabilities of the State at the commencement of this session, the payments since made, and when the liabilities so paid accrued, the present liabilities of the State, exclusive of funded debts, the receipts since the regular settlements of the County Treasurers in November, eighteen hundred and sixty-one, and their disposition, and the disposition made of the one hundred thousand dollars transferred from the Swamp and Overflowed Land Fund to the General Fund on the fifteenth of January, eighteen hundred and sixty-two, and such further matters as affect the financial condition of this State and their respective offices.

Adopted.

Also, concurrent resolution, requesting the Board of War Examiners to report the proceedings of said Board concerning the Indian wars of this State.

Adopted.

Mr. Van Dyke offered a concurrent resolution, granting leave of absence for four months to Benj. Reynolds, Clerk of Del Norte County.

Adopted.

On motion of Mr. Perkins, at half past two o'clock the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Friday, February 21st, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The President presented a communication from the Chairman of the Board of Managers of the Ladies' Seamen's Friend Society, extending an invitation to the members of this body to visit the Sailors' Home, located on Davis street, between Clay and Washington.

The following communication was received from A. A. De Long, Assistant Secretary of the Senate:

SENATE CHAMBER,  
February 20th, 1862. }

*To the President of the Senate:*

SIR:—I hereby tender my resignation as Assistant Secretary of the Senate, to take effect on and after Saturday, February twenty-second.

A. A. DE LONG.

Mr. De Long presented a petition of citizens of Yuba County, for the passage of an Act discharging the sureties of A. O. Hyde, late Treasurer of Yuba County.

Laid on the table.

Mr. Warmcastle, from the Committee on Federal Relations, made the following report:

MR. PRESIDENT:—The Committee on Federal Relations have had under consideration Assembly concurrent resolution No. 11, and Senate concurrent resolutions Nos. 23 and 26. The undersigned, a minority of the Committee, report back a substitute for the entire series of resolutions, and recommend the adoption of the substitute.

WARMCASTLE,  
BURNELL.

The above report and resolutions were, with the majority report and resolutions upon the same subject, made the special order for Wednesday, February twenty-sixth, at half past eleven o'clock, A. M., by the following vote, the ayes and noes being demanded by Messrs. Crane, Soule, and Warmcastle:

AYES—MESSRS. Baker, Bogart, Burnell, Denver, Doll, Harvey, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Nixon, Perkins, Porter, Quint, Vineyard, Warmcastle, and Williamson—19.

NOES—MESSRS. Chamberlain, Crane, Gallagher, Gaskill, Hathaway, Kimball, Kutz, Oulton, Parks, Pacheco, Powers, Rhodes, Shafter, Soule, Van Dyke, and Watt—16.

#### GENERAL FILE.

Senate bill No. 168, an Act to provide for transcribing certain records in the Recorder's office of Napa County, pertaining to Lake County—considered as in Committee of the Whole, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 56, an Act to protect the people of California against the maintenance of foreign paupers, and alien criminals—substitute adopted, read first and second times, and placed on file.

Senate bill No. 93, an Act to provide for a gradually increasing tax upon Mongolians in this State—substitute adopted, read first and second times, and placed on file.



Senate bill No. 135, an Act to enable the Mayor and Common Council of the City of Placerville to pay a certain claim of William J. Lewis against said city—was considered as in Committee of the Whole, amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 131, an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one—was considered as in Committee of the Whole, amended, ordered engrossed, and read a third time.

Senate bill No. 139, an Act to extend the time for the collection of taxes in the Counties of Tulare and Fresno—was indefinitely postponed. The vote on indefinite postponement was reconsidered, and bill referred to the Finance Committee.

Assembly bill No. 86, an Act for the relief of the tax payers of Mendocino County—was recommitted to Finance Committee.

Senate bill No. 89, an Act amendatory of an Act entitled an Act prescribing the rules for the government of the State Library.

Mr. Parks moved to indefinitely postpone.

Upon which, Messrs. Heacock, Pacheco, and Perkins, demanded the ayes and noes, which were taken, with the following result :

AYES—MESSRS. Baker, Bogart, Burnell, Denver, Doll, Gallagher, Harvey, Heacock, Hill, Holden, Irwin, Kutz, Oulton, Parks, Pacheco, Rhodes, Shafter, Soule, Van Dyke, Vineyard, Warmcastle, and Watt—22.

NOES—MESSRS. Chamberlain, Crane, Gaskill, Hathaway, Kimball, Merritt, Nixon, Perkins, Porter, Quint, and Williamson—11.

Mr. Irwin gave notice of reconsideration.

Senate bills Nos. 10 and 12 were made special order for Friday, March seventh, at twelve, M.

Senate bill No. 174, an Act for the relief of E. B. Ryan, Assessor for the City and County of Sacramento—considered as in Committee of the Whole, ordered engrossed, and read a third time.

Assembly bill No. 102, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment and maintenance of roads and highways—amended, read third time, and passed.

Senate bill No. 170, an Act concerning the sale of certain School Lands in Tulare County—read first and second times, rules suspended, considered engrossed, read third time, and passed.

#### REPORTS.

Mr. Burnell, from the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-eighth, eighteen hundred and fifty-one ;

Also, Senate bill No. 84, an Act to amend an Act entitled an Act supplementary to an Act to prevent the trespassing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five ;

Also, Senate bill No. 161, an Act to transcribe certain records of the County of Shasta ;

Also, Senate bill No. 152, an Act to transfer certain funds;

Also, Senate bill No. 73, an Act amendatory of an Act entitled an Act amendatory of an Act and supplementary to an Act entitled an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five; and report the same correctly engrossed.

BURNELL, Chairman.

Mr. Hathaway made the following report :

MR. PRESIDENT :—The undersigned, to whom was referred Assembly bill No. 92, has had the same under consideration, and asks leave to report the same back, and recommend its passage.

HATHAWAY.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 20th, 1862.

*To the Honorable the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate bill No. 48, an Act to authorize Benjamin F. Washington to dispose of certain interests in a house and lot in San Francisco.

LELAND STANFORD, Governor.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
February 20th, 1862 }

MR. PRESIDENT :—The Assembly have passed Senate bill No. 159, concerning the removal of remains from the old graveyard in Red Bluff;

Also, have passed Senate bill No. 121, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, have concurred in Senate concurrent resolution No. 31, relative to mineral lands;

Also, have adopted Assembly concurrent resolution No. 19, relative to leave of absence to the County Clerk of Shasta County.

W. N. SLOCUM,  
Assistant Clerk.

Assembly concurrent resolution No. 19, relative to leave of absence to the County Clerk of Shasta County, was referred to Shasta delegation.

ASSEMBLY CHAMBER, }  
February 20th, 1862. }

MR. PRESIDENT :—The Assembly on the fifteenth instant adopted Assembly concurrent resolution No. 18, relative to adjournment *sine die*, in which they ask the concurrence of the Senate:

W. N. SLOCUM,  
Assistant Clerk.

On the adoption of the above resolution, the ayes and noes were demanded, and taken, with the following result:

AYES—Messrs. Burnell, Chamberlain, Crane, Denver, Doll, Gaskill, Harvey, Hathaway, Heacock, Hill, Holden, Kutz, Merritt, Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Van Dyke, and Warneastle—26.

NOES—Messrs. Baker and Bogart—2.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Parks, for an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of the Swamp and Overflowed, and Salt Marsh and Tide Lands donated to the State of California, by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Harvey, for an Act authorizing the State Treasurer to issue War Bonds to A. W. Bee.

Read first and second times, and referred to the Military Committee.

By Mr. Rhodes, for an Act to repeal an Act entitled an Act for the protection of actual settlers and to quiet land titles in this State, approved March twenty-sixth, eighteen hundred and fifty-six.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Parks, for an Act to amend an Act entitled an Act creating a Board of Commissioners in each township of the several counties of this State, to regulate water courses within their several limits, passed May fifteenth, eighteen hundred and fifty-four.

Read first and second times, and referred to Committee on Agriculture.

By Mr. Shafter, for an Act to legalize certain records in the office of the Recorder of the City and County of San Francisco, to make their contents notice and *prima facie* evidence.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Rhodes, for an Act to repeal an Act entitled an Act for the relief of purchasers of real estate at sales made by Public Administrators, approved February seventh, eighteen hundred and sixty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Denver, for an Act concerning hogs running at large in the County of El Dorado.

Read first and second times, rules suspended, considered engrossed, read a third time, and passed.

On motion of Mr. Doll, the vote by which the report of the Committee on Federal Relations, and accompanying report of minority of same committee on certain resolutions, was made special order for Wednesday, February twenty-sixth, at half past eleven o'clock, A. M.—was reconsidered.

The resolutions reported and recommended by the majority of the committee, and those recommended by the minority of said committee, were ordered printed, and the reports and resolutions made special order for Wednesday, February twenty-sixth, at half past eleven o'clock, A. M.

On motion of Mr. Kutz, Senate bill in relation to water courses was ordered printed.

Mr. Hathaway offered the following resolution :

*Resolved*, That when the Senate adjourn, it adjourn to meet to-morrow, at eleven o'clock, A. M., for the purpose of hearing Washington's Farewell Address read by the presiding officer, or some person designated by him.

Adopted.

On motion of Mr. Powers, the invitation of the Board of Managers of the Ladies' Seamen's Friend Society, to visit the Sailor's Home, was accepted, and Tuesday next, after the adjournment of the Senate, was designated as the time of the visit.

Mr. Irwin moved to reconsider the vote by which Senate bill No. 89, relative to the State Library, was indefinitely postponed.

Mr. Merritt moved to make the notice to reconsider, the special order for Monday next, at half past eleven o'clock, A. M.

Carried.

The resignation of A. A. De Long, Assistant Secretary, was accepted.

Mr. Hill offered the following resolution :

*Resolved*, That the Engrossing Clerk be authorized to employ an Assistant Clerk, at five dollars per day, when a majority of the Committee on Engrossment may deem it necessary for him to have an Assistant.

Laid on the table.

Mr. Oulton gave notice of the following addition to the Rules of the Senate :

A motion to print bills, resolutions, or any other matter, reported upon by a committee of this Senate, shall be in order during the reception of reports of committees.

At fifteen minutes past two o'clock, P. M., on motion of Mr. Parks, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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IN SENATE.

SENATE CHAMBER,

Saturday, February 22d, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

The resolution adopted on yesterday, relative to the object of meeting to-day, was read, and in pursuance thereof, the President pro tem. read the Farewell Address of General George Washington.



On motion of Mr. Burnell, at forty minutes past eleven o'clock, A. M., the Senate adjourned.

J. McM. SHAFTER,  
President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Monday, February 24th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journals of Friday and Saturday read and approved.

Mr. Pacheco was granted indefinite leave of absence.

## PETITIONS.

Mr. Harvey presented a petition of citizens of San Francisco, against the repeal of the present Attachment Law.

Referred to the Judiciary Committee.

Mr. Crane presented a petition of citizens of Alameda, against repeal of the Sunday Law.

Referred to the Committee on Public Morals.

## REPORTS.

Mr. Chamberlain, from the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Assembly bill No. 54, an Act supplemental to an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act concerning marks and brands, passed May first, eighteen hundred and sixty-one, report the same back, without recommendation.

CHAMBERLAIN, Chairman.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 180, an Act to repeal an Act entitled an Act for the protection of actual settlers, and to quiet land titles in this State, approved March twenty-sixth, eighteen hundred and fifty-six, beg leave to report that they have had the same under consideration, and recommend its passage.

They have also considered Senate bill No. 176, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an

Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight, and report the same back, with amendments, and recommend its passage as amended.

RHODES, Chairman.

Mr. Banks, from the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, having had under consideration Senate bill No. 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, report the same back with a substitute, and recommend the passage of the substitute.

BANKS, Chairman

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. De Long, for an Act for the relief of W. C. Stokes, C. Covillaud, and the estate of James Simpson.

Read first and second times, and referred to the Committee on Claims.

By Mr. Powers, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Finance Committee.

By Mr. Rhodes, for an Act to authorize the Governor of this State to convey certain lands.

Read first and second times, and placed on file.

By Mr. Crane, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Read first and second times, and referred to the Judiciary Committee.

By Mr. Banks, for an Act concerning State Prison labor.

Read first and second times, and referred to Committee on Public Buildings.

By Mr. Rhodes, for an Act supplementary to an Act entitled an Act to authorize the funding of the re-funded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight.

Read first and second times, and placed on file.

Mr. Banks presented a certain claim.

Referred to the Committee on Claims.

## SPECIAL ORDER.

The motion to reconsider the vote by which the Senate on the twenty-first instant indefinitely postponed Senate bill No. 89, an Act amendatory of an Act entitled an Act prescribing rules for the government of the State Library, (the special order,) was taken up.

On the motion, the ayes and noes were demanded by Messrs. Doll, Harvey, and Parks, and taken, with the following result:

AYES—Messrs. Bogart, Chamberlain, Crane, Gaskill, Hathaway, Holden, Irwin, Kimball, Lewis, Merritt, Nixon, Perkins, Porter, Powers, Quint, Soule, and Williamson—17.

NOES—Messrs. Baker, Banks, Burnell, Denver, De Long, Doll, Harvey, Heacock, Hill, Kutz, Oulton, Parks, Rhodes, Shafter, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Watt—19.

Mr. Perkins offered a concurrent resolution relative to appointing a committee to confer with Chinese merchants in regard to Chinese statistics, etc.

Adopted.

Messrs. Perkins, Harvey, and Porter, were appointed as such committee.

## GENERAL FILE.

Senate bill No. 87, an Act to provide for the construction of a wharf at a point on the southerly bank of the San Joaquin River—substitute adopted, read first and second times, considered in Committee of the Whole, amended, and recommitted to Committee on Commerce and Navigation.

Senate bill No. 109, an Act to provide for the construction of a wharf at a point designated upon the southerly bank of the San Joaquin River—recommitted to Committee on Commerce and Navigation.

Senate bill No. 84, an Act to amend an Act supplementary to an Act to prevent the trespassing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five—read a third time, and passed.

Assembly bill No. 92, an Act to fix the terms of the different Courts in the County of San Mateo—read a third time, and passed.

Senate bill No. 68, an Act to authorize the rebinding of books of the State Library—considered as in Committee of the Whole, amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 56, an Act to protect the people of California against the maintenance of foreign paupers and alien criminals—ordered to the top of file for February twenty-seventh.

Senate bill No. 93, an Act to provide for a gradually increasing tax upon Mongolians in this State—ordered to the top of file for to-morrow.

Senate bill No. 184, an Act to authorize the Governor of this State to convey certain lands—rules suspended, considered as in Committee of the Whole, considered engrossed, read third time, and passed; and Secretary directed to transmit it immediately to the Assembly.

## RESOLUTIONS.

Mr. Van Dyke offered concurrent resolution relative to the militia of the State.

Adopted.

Mr. Heacock offered the following resolutions :

*Resolved*, That J. P. Sharkey be allowed three days pay, at eight dollars per day, for acting as temporary Sergeant-at-Arms in the organization of the Senate, the above amount to be paid out of the Contingent Fund of the Senate.

Indefinitely postponed.

*Resolved*, That Willie Clark be allowed one week's per diem, at three dollars per day, for services rendered as Page during the organization of the Senate, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Finance.

*Resolved*, That the Sergeant-at-Arms cause the tan-bark on the street, in front of the State House, to be scraped from the edges to the middle of the street, and to cause it to be done by the Porters of the Senate.

Adopted.

Mr. Williamson offered the following resolution :

*Resolved*, That E. Green, L. O. Sterns, Sol. Carter, and R. M. Wilson, be and they are hereby allowed the sum of four hundred and twenty dollars, for expenses as witnesses in the Mono contested election case ; and the Controller is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses.

Mr. Irwin offered a resolution relative to certain claims.

Referred to the Committee on Contingent Expenses.

#### REPORTS.

Mr. Burnell, from the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined substitute for Senate bill No. 29, an Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof;

Also, Senate bill No. 47, an Act in relation to public roads in the County of Amador, and to the road fund of said county ; and find the same correctly engrossed.

BURNELL, Chairman.

Mr. Denver, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled Senate bill No. 15, an Act to amend an Act entitled an Act supplementary to an Act concerning Courts of Justice and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, approved May eighteenth, eighteen hundred and sixty-one ;



Also, Senate bill No. 28, an Act to repeal certain Acts;

Also, Senate bill No. 121, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

And this day, February twenty-fourth, eighteen hundred and sixty-two, delivered the same to his Excellency the Governor, for his approval.

A. S. C. DENVER,

For Committee.

Mr. Shurtleff, from the Shasta delegation, made the following report:

MR. PRESIDENT:—The Shasta delegation, to whom was referred Assembly concurrent resolution No. 19, report the same back, and recommend its passage.

SHURTLEFF.

Assembly concurrent resolution No. 19, above reported, was concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Burnell, for an Act to authorize the Board of Supervisors of Amador County to levy a special tax, and create a redemption fund for the payment of outstanding road warrants in said county.

Read first and second times, and referred to Amador delegation.

Also, for an Act to grant to E. P. Bowman and his associates, the right to construct and maintain a toll bridge across the Cosumnes River, in the Counties of Amador and El Dorado.

Read first and second times, and referred to delegations from Amador and El Dorado.

By Mr. Shafter, for an Act to authorize and empower Charles S. Copp, Guardian of Albert Dorente, a minor, to sell certain real estate belonging to said minor.

Read first and second times, and placed on file.

By Mr. Rhodes, for an Act to amend section twenty-seven of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Banks, (by unanimous consent,) for an Act to authorize Mrs. Mary Comstock, and her minor children, Bertha Comstock, John Felt Osgood Comstock, and George Comstock, to sell their homestead.

Read first and second times, and placed on file.

On motion of Mr. Lewis, at two o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Tuesday, February 25th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. De Long was granted leave of absence for one day.

## PETITIONS.

Mr. Holden presented a petition of citizens of Mendocino County, praying that an Act may be passed granting to Joshua Hendry and others the right to construct piers and booms in and across the Navarro River.

Referred to Committee on Commerce and Navigation.

Mr. Shafter presented a petition of the Managers of the Ladies' Protection and Relief Society, praying for relief.

Referred to the Finance Committee.

## REPORTS.

Mr. Burnell made the following report :

MR. PRESIDENT :—The Committee to whom was referred Senate bill No. 185, an Act to authorize the Board of Supervisors of Amador County to levy a special tax and create a redemption fund for the payment of outstanding road warrants, have considered the same, and report the bill back, and recommend its passage.

BURNELL.

Senate bill No. 185, above reported, was considered as in Committee of the Whole, reported without amendment, rules further suspended, considered engrossed, read third time, and passed, and Secretary instructed to transmit it to the Assembly.

Mr. Heacock, from the Committee on Public Buildings, made the following report :

MR. PRESIDENT :—The Committee on Public Buildings, to whom was referred Senate resolution relative to State Prison labor, having had the same under consideration, submit the following report :

That upon an examination of the contracts on file in the office of the Secretary of State, they find that the labor of convicts at the State Prison has been leased and contracted for as follows :

Contract with D. McLennan, entered into on the nineteenth day of March, eighteen hundred and sixty-one, for the labor of sixty male convicts for the period of one year, to be employed in the manufacture and packing of articles of clothing, for which the said McLennan agrees to pay the State the sum of thirty cents per day each ; such payment to be made at the expiration of every two months ; and to furnish each convict so worked, at the expiration of four and nine months from the date of the contract, one shirt, one jacket, and pantaloons ; the State to feed, guard,

and otherwise clothe them; the State to furnish said McLennan forty additional convicts upon the like terms and conditions in all respects, whenever required, pending the term of his contract; if, at the expiration of the contract, the State shall notify McLennan that it is inexpedient to renew the contract, the said McLennan shall be allowed four months additional time to finish up any work he may then have on hand.

Contract with D. McLennan, entered into on the fifteenth day of July, eighteen hundred and sixty-one, for the labor of one hundred male convicts, for the period of three years, to be employed in manufacturing work, (sewing,) upon similar terms and conditions as is provided in the preceding contract. The said McLennan to furnish each convict so worked, on the first days of April and November of each year, with one shirt, one jacket, and pantaloons. The contract is made subject to all future legislation.

Contract with E. T. Pease, entered into on the first day of June, eighteen hundred and sixty-one, to take effect on the first day of July, eighteen hundred and sixty-one, for the labor of sixty convicts, for the period of one year, to be employed at coopering. The said Pease to pay the State therefor the sum of fifty cents per day for each convict so employed, at the end of each and every month. The contract to be extended, upon the mutual consent of both parties; and if not so extended, the right is reserved to the said Pease to have an extension of four months, by giving notice in writing on or before the first day of April, eighteen hundred and sixty-two, of his desire therefor; the contract is especially made subject to all future legislation.

Contract with Thomas Ogg Shaw, entered into on the eighth day of May, eighteen hundred and sixty-one, to take effect on the first day of September, eighteen hundred and sixty-one, for the labor of one hundred convicts, for the period of five years, fifty of them to be mechanics, and fifty of them to be common laborers; and in case fifty mechanics cannot be found, forty are to be selected and paid as mechanics, and sixty as common laborers, to be employed in the manufacture of agricultural implements and cabinet ware; the State to guard, feed, and clothe, the convicts so employed, and the said Shaw to pay the State, at the end of each and every month, for such labor as follows: for mechanics, the sum of seventy-five cents, and for laborers the sum of thirty-seven and one half cents, per day, each; the said Shaw to have the privilege of hiring an additional number, by consent of both parties. The contract is expressly made subject to all future legislation, except that it shall not be annulled only on the payment of five thousand dollars by the State to the said Shaw.

There are no other contracts which your Committee are able to find on file in the Secretary of State's office, relative to Prison labor, but we understand there are two other contracts which have not been filed in the Secretary of State's office: one with A. Englander, for twenty-five convicts, to be employed at cigar making, and one with I. N. Quinn, for one hundred in number of convicts, to be employed at brick making.

Your Committee were informed, while visiting the Prison, that from twenty-five to forty convicts were constantly employed in a general shop, where all kinds of job work—such as making and repairing wagons, shoeing horses, etc.—was done, as the occasion might require.

All of which is respectfully submitted.

HEACOCK, Chairman.

Mr. Nixon, from the Committee on Public Morals, made the following report :

MR. PRESIDENT :—The majority of the Committee on Public Morals have had under consideration Senate bill No. 106, an Act to authorize the Board of Supervisors in each county in this State to license certain places of amusement, have amended the same, and recommend its passage as amended.

NIXON, Chairman.

Mr. Burnell, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 113, an Act to amend an Act entitled an Act to authorize the Guardian of Minnie C. Buchanan to sell and dispose of her real estate and chattels real, passed March fourteenth, eighteen hundred and fifty-six ;

Also, substitute for Senate bill No. 69, an Act for the punishment of contempts and trespasses ;

Also, Senate bill No. 167, an Act to amend an Act entitled an Act to fix the terms of the County Court and Court of Sessions of the County of El Dorado, approved April twelfth, eighteen hundred and fifty-nine ; and report the same correctly engrossed.

BURNELL, Chairman.

Mr. Heacock, from the Committee on Public Buildings, made the following report :

MR. PRESIDENT :—The Committee on Public Buildings, to whom was referred Senate bill No. 53, report the same back, with the accompanying amendment, and recommend the passage of the bill as amended.

HEACOCK, Chairman.

Mr. Chamberlain, from a majority of the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT :—I am requested by a majority of the Committee on Commerce and Navigation to report back Senate bills Nos. 23 and 105, in relation to the State Gauger, with the substitute therefor, and ask that the substitute be referred to the Judiciary Committee to decide a constitutional question that may be involved therein.

C. W. CHAMBERLAIN.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 120, an Act to release certain claims on the part of the State, beg leave to report that they have had the same under consideration, and report it back, with amendments, and recommend its passage as amended ;

They have also considered Senate bill No. 166, an Act to exempt from taxation the Charitable Institute, and all seminaries of learning in the



County of Los Angeles, and recommend that the same be indefinitely postponed;

They have also considered Senate bill No. 154, an Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, eighteen hundred and fifty-two, and the Acts amendatory thereof, and a majority of the Committee recommend its indefinite postponement;

They have also considered Senate bill No. 108, an Act to amend an Act entitled an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-seven, and the several Acts amendatory thereto, and recommend that the same be indefinitely postponed;

They have also considered Senate bill No. 164, an Act to amend an Act entitled an Act concerning corporations, and report the same back, with an amendment, and recommend its passage as amended;

They have also considered Senate bill No. 177, an Act to repeal an Act entitled an Act for the relief of purchasers of real estate at sales made by Public Administrators, approved February seventh, eighteen hundred and sixty, and recommend its passage;

They have also considered Assembly bill No. 18, an Act for the relief of Dennis Tryon, and recommend its indefinite postponement;

They have also considered Senate bill No. 80, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, and recommend its indefinite postponement;

They have also considered Senate bill No. 160, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty, and other Acts amendatory thereto, and recommend that the same be indefinitely postponed.

A. L. RHODES, Chairman.

Mr. Crane, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The undersigned, a minority of the Judiciary Committee, to whom was referred Senate bill No. 154, an Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, eighteen hundred and fifty-two, and the Acts amendatory thereof, respectfully beg leave to report, that they have duly considered the same, and recommend its passage.

A. M. CRANE,  
J. KUTZ.

Mr. Oulton, from the Committee on Claims, made the following reports:

MR. PRESIDENT:—The Committee on Claims have had under consideration that part of Senate bill No. 200, relative to the payment of Porters engaged in removing the property of the Legislature from Sacramento to San Francisco, and report the same back, without recommendation.

OULTON, for Committee.

MR. PRESIDENT:—The Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 72, an Act concerning mining associations and companies, report the same back with amendments, and recommend its passage as amended.

OULTON, Chairman.

Mr. Shurtleff, from the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage report thirty-eight dollars due Senator Harvey, and forty-five dollars and twenty cents due Senator Parks, as mileage in travelling to and from the State Insane Asylum in Stockton, in the performance of committee duties during the interim of the Legislature, as provided by Senate resolution passed May ninth, eighteen hundred and sixty-one. The Committee also find that according to the terms of said resolution, Messrs. Harvey and Parks are each entitled to one hundred and forty dollars, as per diem, while in the discharge of such committee duties. We therefore recommend the adoption of the accompanying resolution.

*Resolved*, That thirty-eight dollars be allowed to Senator Harvey, and forty-five dollars and twenty cents to Senator Parks, as mileage in the performance of committee duties under Senate resolution passed May ninth, eighteen hundred and sixty-one, and that said Senators each be allowed, as per diem, while in the discharge of such committee duties, one hundred and forty dollars. All of which is to be paid out of the Contingent Fund of the Senate.

SHURTLEFF, Chairman.

Adopted.

Mr. Perkins made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 78, respectfully report that they have had the same under consideration, and ask leave to report the same back to the Senate, with accompanying amendments, and recommend its passage.

PERKINS.

Mr. Van Dyke, from the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Senate bill No. 133, an Act to provide for the pay of captains who have recruited and raised companies for the regiments of volunteers of this State, under the requisition of the President of the United States, and who are now actually in service of the United States, under commission of the Governor of this State, have had the same under consideration, and report the bill back, with a recommendation that it be referred to the Committee on Claims.

VAN DYKE, Chairman.

Adopted.

Mr. Shafter presented a communication from the State Treasurer, which was referred to the Committee on Public Expenditures and Accounts.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Holden, for an Act to authorize and empower Joshua Hendy, H. B. Tichenor, and Robert F. Bixbee, to construct and maintain booms on the Navarro River, in Mendocino County.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Warmcastle, for an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, approved February twentieth, eighteen hundred and fifty-seven.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Baker, for an Act to authorize the officers of Visalia Lodge of Free and Accepted Masons to sell and convey certain property belonging to said Lodge.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Nixon, for an Act appropriating money out of the General Fund for the relief of sufferers by the flood.

Read first and second times, and referred to the Finance Committee.

By Mr. Porter, for an Act in relation to the office of the State Treasurer.

Read first and second times, and referred to the Finance Committee.

Also, for an Act making an appropriation for the payment of the claim of James Whitney and others, for the transportation of the property and appurtenances of the Legislature to San Francisco, etc.

Read first and second times, ordered engrossed, and read third time.

By Mr. Soule, for an Act to authorize the settlement of the war debt of the State of California with the Federal Government.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act to amend an Act entitled an Act to authorize Guardians of minor heirs, idiots, and lunatics, to receive and remove from this State any property to which said ward may be entitled, approved March thirteenth, eighteen hundred and fifty-five.

Read first and second times, and referred to the Hospital Committee.

Also, an Act for the relief of W. H. Tillinghast.

Read first and second times, and referred to the Committee on Claims.

#### RESOLUTIONS.

Mr. Bogart offered the following resolution :

WHEREAS, It is demonstrated that the sawdust on the street in front of the building now used as the Capitol of the State is insufficient to prevent the noise of carriages in front of said building ; therefore be it

*Resolved*, That a Committee be appointed to wait on the Board of Supervisors of this city, if necessary, and obtain permission to stretch chains across Battery street, from both corners of said building, the chains being so arranged as to let down for the admission of drays for the use of the stores fronting on Battery street.

Adopted.

Messrs. Bogart, Perkins, and Harvey, were appointed such committee. Mr. Heacock offered a concurrent resolution relative to boats and rafts, etc.

Referred to Sacramento delegation.

#### SPECIAL ORDER.

#### Senate bill No. 20, Amendments to the Constitution.

Mr. Rhodes moved that the vote be taken upon each Article as an entirety, upon which the ayes and noes were demanded by Messrs. Powers, Gaskill, and Perkins, and taken, with the following result:

**AYES**—Messrs. Baker, Burnell, Crane, Denver, Doll, Gallagher, Harvey, Heacock, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Parks, Rhodes, Soule, Shurtleff, Van Dyke, and Williamson—27.

**NOES**—Messrs. Chamberlain, Gaskill, Hathaway, Hill, Nixon, Oulton, Perkins, Porter, Powers, Quint, Shafter, Vineyard, Warmcastle, and Watt—14.

Mr. Parks moved a call of the Senate.

Carried.

No Senator being absent, further proceedings under the call were dispensed with.

The Constitutional Amendments were then acted upon, as follows:

#### ARTICLE FIVE.—EXECUTIVE DEPARTMENT.

**SECTION 2.** The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in January subsequent to his election, and until his successor is elected and qualified.

**SECTION 18.** A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General, shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.

**SECTION 19.** The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article five, by the Legislature of eighteen hundred and sixty-one, no officers shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said amendments.

Upon the adoption of the foregoing Article, the roll was called, with the following result:

**AYES**—Messrs. Baker, Banks, Bogart, Burnell, Crane, Denver, Doll, Gaskill, Harvey, Hill, Holden, Kimball, Kutz, Lewis, Merritt, Parks, Quint, Rhodes, Soule, Shurtleff, Van Dyke, Warmcastle, and Williamson—23.



NOES—Messrs. Chamberlain, Hathaway, Heacock, Irwin, Nixon, Oulton, Perkins, Porter, Powers, Shafter, and Vineyard—11.

#### ARTICLE NINE.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year one thousand eight hundred and sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.

Upon the adoption of the foregoing Article, the roll was called, with the following result :

AYES—Messrs. Baker, Banks, Bogart, Burnell, Crane, Denver, Doll, Gaskill, Harvey, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Williamson—33.

No—Mr. Chamberlain—1.

#### ARTICLE FOUR.

SECTION 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of January next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than ninety days, unless the time be extended by a joint resolution, to be passed by a majority of each House.

SECTION 3. The members of the Assembly shall be chosen biennially by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.

SECTION 5. Senators shall be chosen for the term of four years, at the same time and places as members of Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State, and of the county or district for which he shall be chosen, one year next before his election.

SECTION 6. The number of Senators shall not be less than one third, nor more than one half, of that of the members of Assembly, and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen biennially.

SECTION 30. When a Congressional, Senatorial, or Assembly District, shall be composed of two or more counties, it shall not be separated by any county belonging to another District. No county shall be divided in forming a Congressional, Senatorial, or Assembly District, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly Districts, as such county may, by apportionment, be entitled to.

SECTION 39. Sections thirty-two and thirty-six of said Article Four are hereby abrogated and annulled, and in order that no inconvenience may result to the public service from the taking effect of the amend-

ments proposed to Article Four by the Legislature of one thousand eight hundred and sixty-one, no officer shall be suspended or superseded thereby until the election and qualification of the several officers provided for in said amendments.

Upon the adoption of the foregoing Article, the roll was called, with the following result:

**AYES**—Messrs. Baker, Banks, Bogart, Burnell, Crane, Denver, Doll, Gallagher, Harvey, Hathaway, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Parks, Quint, Rhodes, Soule, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—26.

**NOES**—Messrs. Chamberlain, Gaskill, Heacock, Nixon, Oulton, Porter, Powers, and Vineyard—8.

#### ARTICLE SIX.—JUDICIAL DEPARTMENT.

**SECTION 1.** The Judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace; and in such Recorders', or other inferior Courts, as the Legislature may establish in any incorporated city or town.

**SECTION 2.** The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.

**SECTION 3.** The Justices of the Supreme Court shall be elected by the qualified electors of the State, at special elections, to be provided by law, at which elections no officers, other than judicial, shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year one thousand eight hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot, that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.

**SECTION 4.** The Supreme Court shall have appellate jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of property in controversy, amounts to three hundred dollars; also, in all cases arising in the Probate Courts; and also, in all criminal cases amounting to felony, on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court in the State, or before any Judge of said Courts.

**SECTION 5.** The State shall be divided by the Legislature of one thousand eight hundred and sixty-three, into fourteen Judicial Districts, sub-

ject to such alteration from time to time, by a two thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the District, at the special judicial elections to be held as provided for the elections of Justices of the Supreme Court by section three of this Article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election.

SECTION 6. The District Court shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; and also, in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus, on petition by, or on behalf of, any person held in actual custody in their respective Districts.

SECTION 7. There shall be in each of the organized counties of this State a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections, to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election.

SECTION 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and, also, such criminal jurisdiction as the Legislature may prescribe. They shall also have appellate jurisdiction in all cases arising in Courts held by Justices of the Peace and Recorders, and in such inferior Courts as may be established in pursuance of section one of this Article in their respective counties. The County Judges shall also hold in their several counties Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges shall also have power to issue writs of habeas corpus, on petition by, or on behalf of, any person in actual custody in their respective counties. In the City and County of San Francisco, the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.

SECTION 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix, by law, their powers, duties, and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of Record, the Supreme Court, the District Courts, the County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe shall be Courts of Record.

SECTION 10. The Legislature shall fix by law the jurisdiction of any Recorder's, or other inferior municipal Court, which may be established in pursuance of section one of this Article, and shall fix by law the powers, duties, and responsibilities, of the Judges thereof.

SECTION 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensa-

tion. County Clerks shall be ex officio Clerks of the Courts of Record in and for their respective counties. The Legislature may also provide for the appointment, by the several District Courts, of one or more Commissioners in the several counties of their respective Districts, with authority to perform chamber business of the Judges of the District Court and County Courts, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law.

SECTION 12. The times and places of holding the terms of the several Courts of Record shall be provided for by law.

SECTION 13. No judicial officer, except Justices of the Peace, Recorders, and Commissioners, shall receive, to his own use, any fees or perquisites of office.

SECTION 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient, and all opinions shall be free for publication by any person.

SECTION 15. The Justices of the Supreme Court, District Judges, and County Judges, shall severally, at stated times during their continuance in office, receive, for their services, a compensation which shall not be increased or diminished during the term for which they shall have been elected; *provided*, that the County Judges shall be paid out of the County Treasury of their respective counties.

SECTION 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office during the term for which they shall have been elected.

SECTION 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and decide the law.

SECTION 18. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name, and by their authority.

SECTION 19. In order that no inconvenience may result to the public service, from the taking effect of the amendments proposed to said Article sixth, by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualifications of the several officers provided for in said amendments.

Upon the adoption of the foregoing Article, the roll was called, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Crane, Denver, Doll, Gallagher, Gaskill, Harvey, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—35.

NOES—None.

At three o'clock, P.M., on motion of Mr. Merritt, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
 Wednesday, February 26th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Crane presented a petition from citizens of the County of Alameda, in favor of the present Sunday Law, with such amendments as will insure a more uniform observance and equal operation of the same.

Referred to the Committee on Public Morals.

## REPORTS.

Mr. Harvey, from the Committee on Swamp Lands, made the following report:

MR. PRESIDENT:—Your Committee on Swamp Lands, to whom was referred Senate bill No. 178, an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed and Salt Marsh and Tide Lands, donated to the State of California by an Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, have had the same under consideration, and beg leave to report the same back, with amendments, and recommend its passage as amended;

Also, have had under consideration Senate bill No. 172, an Act for the relief of purchasers of swamp lands, and beg leave to report the same back, and recommend a substitute.

O. HARVEY, Chairman.

Mr. Parks, from the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims have had under consideration Senate bill No. 187, being for the relief of W. C. Stokes, C. Coville, and the estate of James Simpson, and report the same back, without recommendation.

PARKS, Chairman.

Senate bill No. 187, above reported, placed on top of general file.

Mr. Perkins, from the Committee on Finance, made the following report:

MR. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 147, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, have had the same under consideration, and report the same back, with a substitute, which they recommend should be passed.

PERKINS, Chairman.

Mr. Burnell, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 153, an Act to authorize James Craig, Guardian of the infant heirs of Michael Flanigan, deceased, to sell property in Tuolumne County ;

Also, Senate bill No. 143, an Act to authorize the sale of real estate belonging to the estate of Henry P. Haun, deceased, at public or private sale ;

Also, substitute for Senate bill No. 60, an Act supplemental to an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty ;

Also, Senate bill No. 135, an Act to enable the Mayor and Common Council of the City of Placerville to pay a certain claim of Wm. J. Lewis against said city ;

And report the same correctly engrossed.

BURNELL, Chairman.

Mr. Merritt made the following report :

Mr. PRESIDENT :—Your Special Committee to whom was referred Senate bill No. 169, an Act to locate the county seat of Stanislaus County, have had the same under consideration, and beg leave to report the same to the Senate, with a substitute, and recommend the passage of the substitute.

MERRITT,  
WILLIAMSON.

Senate bill No. 169, and substitute for same, above reported, placed on file.

Mr. Denver, from the El Dorado and Amador delegation, made the following report :

Mr. PRESIDENT :—The El Dorado and Amador delegation, to whom was referred Senate bill No. 199, an Act to grant to E. P. Brown and his associates the right to construct a bridge across the Cosumnes River, connecting the Counties of Amador and El Dorado, report the same back, with amendments, and, after being so amended, recommend its passage.

A. ST. C. DENVER,  
For the Delegation.

On motion of Mr. Denver, the rules were suspended, and Senate bill No. 199, above reported, was considered as in Committee of the Whole, reported with amendments, amendments adopted, rules further suspended, considered engrossed, read third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
February 25th, 1862. }

Mr. PRESIDENT :—The House yesterday passed Assembly bill No. 125, an Act to authorize the construction and maintenance of a wharf on the Sacramento River, in the County of Solano ;

Also, passed Assembly bill No. 128, an Act making the office of County Treasurer of Trinity County a salaried office;

Also, passed Assembly bill No. 121, an Act to provide for Public Administrator in certain counties;

Also, passed Assembly bill No. 115, an Act for the construction and maintenance of a wharf in Contra Costa County;

Also, passed Assembly bill No. 46, an Act supplementary to an Act concerning the Board of Supervisors of Placer County;

Also, passed Assembly bill No. 24, an Act to authorize the Supreme Court to admit William M. Pierson as an Attorney of said Court;

Also, passed Assembly bill No. 94, an Act concerning certain salaries and fees of office in the County of Monterey;

Also, the Assembly yesterday concurred in Senate amendments to Assembly bill No. 90, an Act to authorize the Supervisors of Solano County to levy an additional road tax;

Also, concurred in Senate amendments to Assembly bill No. 74, an Act in relation to public roads in the County of El Dorado;

Also, passed Senate substitute for Senate bill No. 38, an Act to authorize the State Treasurer to issue certain War Bonds;

Also, passed Senate bill No. 45, an Act for the relief of Peter Lothian;

Also, passed Senate substitute for Senate bill No. 81, an Act to amend an Act to regulate proceedings in criminal cases;

Also, passed Senate bill No. 155, an Act to amend an Act to incorporate the town of Eureka;

Also, concurred in Senate concurrent resolution No. 35, relative to leave of absence to the County Clerk of Del Norte County;

Also, concurred in Senate concurrent resolution No. 36, relative to Indian War Claims;

Also, concurred in Senate concurrent resolution No. 37, relative to the finances of the State.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 125, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 94, above reported, read first and second times, and referred to the Monterey delegation.

Assembly bill No. 24, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 46, above reported, read first and second times, and referred to the Placer delegation.

Assembly bill No. 115, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill No. 121, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 128, above reported, was read first and second times, and referred to the Trinity delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, February 26th, 1862. }

*To the Honorable the Senate of California:*

I hereby nominate to the office of Port Warden of the port of San Francisco, Robert C. Waterman, vice Charles R. Street, removed, and ask the concurrence of the Senate therein.

LELAND STANFORD, Governor.

On motion of Mr. Perkins, the consideration of the above message was made the special order for Wednesday, March fifth, at half past eleven o'clock, A. M.

Mr. Rhodes offered the following resolution:

*Resolved*, That the papers concerning the claim of the heirs of Abraham De Leur, presented before the Judiciary Committee of the Senate, at its last session, be withdrawn from the office of the Secretary of State, and delivered to H. Toler Booraem, and his receipt be taken therefor.

Adopted.

Mr. Williamson gave notice that he would, at an early day, introduce a bill to license gambling.

SPECIAL ORDER.

Resolutions in regard to sustaining the Federal Government.

Mr. Denver and Mr. Van Dyke each introduced resolutions upon the same subject, as substitutes for those reported by the Committee on Federal Relations, which were ordered printed, and the entire subject matter made the special order for Saturday, March first, at half past eleven o'clock, A. M.

INTRODUCTION OF BILLS.

Bill were introduced as follows:

By Mr. Merritt, for an Act entitled an Act to prevent non-residents of this State from selling goods without a license.

Read first and second times, and referred to the Committee on Finance.

By Mr. Harvey, for an Act concerning the office of Sheriff, County Clerk, County Recorder, and Auditor, County Treasurer, County Collector, and County Assessor, for the County of El Dorado; and Constables in the several townships in said county, and fixing their compensation.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Holden, for an Act supplementary to an Act to annex a portion of San Joaquin County to Stanislaus County, approved February seventeenth, eighteen hundred and sixty.

Read first and second times, and referred to the San Joaquin and Stanislaus delegation.

By Mr. Oulton, for an Act in relation to the interest tax in Siskiyou County.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported without amendments, rules further suspended, considered engrossed, read third time, and passed.

By Mr. Doll, for an Act to amend section eighty of an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.



Read first and second times, and referred to the Committee on Finance.

By Mr. Heacock, for an Act amendatory of an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Holden, for an Act to amend an Act entitled an Act to authorize the construction of certain wharfs, approved February twenty-one, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Shurtleff, for an Act for the relief of the contractors upon the foundation and basement walls of the State Capitol building at Sacramento.

Referred to a Special Committee of three.

By Mr. Banks, for an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Parks, for an Act amendatory of an Act to provide for funding the indebtedness of the County of Yuba, approved March twenty-sixth, eighteen hundred and fifty-seven.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported without amendment, rules further suspended, considered engrossed, read third time, and passed.

Also, for an Act amendatory of an Act to authorize the Board of Supervisors of the County of Yuba to take and subscribe two hundred thousand dollars to the capital stock of a railroad company, and to provide for the payment of the same, and other matters relating thereto, approved April twenty-eighth, eighteen hundred and fifty-seven.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported without amendment, rules further suspended, considered engrossed, read third time, and passed, and the Secretary directed to transmit it to the Assembly.

Mr. Van Dyke offered the following resolution :

*Resolved*, That the Journal Clerk be and he is hereby allowed to appoint an Assistant ; said Assistant to be allowed five dollars per day, to be paid out of the Contingent Fund of the Senate.

Adopted.

#### GENERAL FILE.

Substitute for Senate bill No. 93, an Act to provide for a gradually increasing tax upon Mongolians in this State—placed on top of the file for Thursday, March sixth.

Senate bill No. 194, an Act supplementary to an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight—considered as in Committee of the Whole, reported without amendment, rules suspended, considered engrossed, read third time and passed.

Senate bill No. 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings—substitute adopted, read first and second times, and placed on file.

Senate bill No. 187, an Act for the relief of W. C. Stokes, C. Covil-land, and the estate of James Simpson, deceased—considered as in Committee of the Whole, reported without amendment, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 176, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight—recommitted to the Judiciary Committee.

Senate bill No. 180, an Act to repeal an Act entitled an Act for the protection of actual settlers, and to quiet land titles in this State, approved March twenty-sixth, eighteen hundred and fifty-six—ordered engrossed and read third time.

Senate bill No. 195, an Act to authorize Mrs. Mary Comstock and her minor children, Bertha Comstock, John Felt Osgood Comstock, and George Comstock, to sell their homestead—was recommitted to the Judiciary Committee.

Senate bill No. 198, an Act to authorize and empower Charles S. Capp, Guardian of Albert Doreto, a minor, to sell certain real estate belonging to said minor—was ordered engrossed, and read third time.

Assembly bill No. 54, an Act supplementary to an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one—was read third time, and passed.

Senate bill No. 177, an Act to repeal an Act entitled an Act for the relief of purchasers of real estate at sales made by Public Administrators, approved February seventh, eighteen hundred and sixty—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 53, an Act to extend the time for completing the foundation and basement walls of the State Capitol building, in the City of Sacramento—was amended.

Mr. Porter then moved to lay it on the table.

Upon which, the ayes and noes were demanded, by Messrs. Heacock, Quint, and Williamson, and taken, with the following result :

AYES—Messrs. Gaskill, Irwin, Perkins, Porter, Rhodes, and Soule—6.

NOES—Messrs. Baker, Banks, Burnell, Chamberlain, Denver, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Powers, Quint, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—24.

So the motion to lay on the table was lost, and the bill placed on top of the file for to-morrow.

Senate bill No. 164, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 120, an Act to release certain claims on the part of the State—amended.

Mr. De Long then moved that the bill be indefinitely postponed.

Upon which, the ayes and noes were demanded, by Messrs. De Long, Doll, and Denver, and taken, with the following result :

AYES—Messrs. Chamberlain, Denver, De Long, Doll, Harriman, Kutz, Porter, Shurtleff, and Watt—9.

· NOES—Messrs. Baker, Banks, Bogart, Crane, Gaskill, Harvey, Hill, Holden, Kimball, Lewis, Merritt, Nixon, Oulton, Parks, Perkins, Powers, Quint, Rhodes, Shafter, Soule, Van Dyke, Warmcastle, and Williamson—23.

So the motion to indefinitely postpone was lost.

The bill was recommitted to the Finance Committee.

Assembly bill No. 72, an Act concerning mining associations and companies—was placed on top of the file for Tuesday, March fourth.

Senate bill No. 160, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto—was placed on top of the file for Wednesday, March fifth.

Senate bill No. 80, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—was placed on top of the file for Wednesday, March fifth.

Senate bill No. 108, an Act to amend an Act entitled an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-seven, and the several Acts amendatory thereto—was recommitted to the Judiciary Committee.

Senate bill No. 154, an Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, eighteen hundred and fifty-two, and the several Acts amendatory thereto—was indefinitely postponed.

Senate bill No. 166, an Act to exempt from taxation the Charitable Institute, and all seminaries of learning, etc., in the County of Los Angeles—was referred to Finance Committee.

#### REPORTS.

Mr. Soule, from the Committee on Commerce and Navigation, made the following reports:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 87, have considered the same and recommend the same be amended, as follows:

Strike out of the title the words "provide for," and insert the word "authorize."

Also, strike out all between the word "a," in the third, and the word "the," in the fourth line of the first section, and insert the words "place between the 'bacon house' and."

Also, insert in the fourth line of said first section, between the words "Antioch" and "said," the following: "*provided*, said grantees shall, within six months from and after the passage of this Act, select such place at a distance of not less than two hundred feet on either side of a place to be selected for the construction of a wharf by the Pittsburgh Railroad Company, and file a description of such selection with the County Recorder of the County of Contra Costa, within thirty days after such selection; *provided*, that if no such selection is made, and a description filed with such County Recorder within the time specified, this Act shall be void; and, *provided*, that when such selection shall have

been made, the Legislature of this State may grant the right to construct wharves anywhere outside of two hundred feet on either side of any wharf that may be constructed under the authority of this Act."

SOULE, Chairman.

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 109, have considered the same, and recommend the same be amended as follows:

Strike out the words "provided for," in the title of the bill, and insert the word "authorize."

Also, strike out all between the word "a," in the third, and the word "said," in the ninth line of the first section, and insert the following: "place anywhere between the 'bacon house' and the town of Antioch; provided said corporators select such place, and file with the Recorder of the County of Contra Costa a description of the place selected, within three months from and after the passage of this Act; *provided*, that if no such selection is made, and a description filed as aforesaid, this Act to be void; and, *provided*, also, that when such selection shall have been made, and a description filed as aforesaid, the Legislature of this State may grant rights to construct wharves anywhere outside of two hundred feet on either side of any wharf constructed under the authority of this Act."

SOULE, Chairman.

#### ELECTION OF ASSISTANT SECRETARY.

On motion of Mr. Denver, the Senate proceeded to the election of Assistant Secretary.

Nominations were made as follows:

Mr. Denver nominated R. K. Weston.

Mr. Chamberlain nominated David Higgins.

Mr. Shurtleff nominated Delos Howe.

Mr. Gaskill nominated T. F. Emmons.

Mr. Banks nominated John W. Cherry.

Nominations being closed, the roll was called, with the following result:

Names.	Howe.	Weston.	Higgins.	Cherry.	Emmons
Baker .....	1				
Banks .....				1	
Bogart .....		1			
Burnell .....		1			
Chamberlain .....			1		
Crane .....					1
Denver .....		1			
De Long .....		1			
Gaskill .....					1
Harvey .....			1		
Harriman .....	1				
Hathaway .....	1				
Hill .....		1			
Holden .....		1			



Names.	Howe.	Weston.	Higgins.	Cherry.	Emmons
Irwin.....					1
Kimball.....	1				
Kutz .....					1
Lewis .....		1			
Merritt .....	1				
Nixon .....				1	
Parks .....			1		
Perkins.....			1		
Powers .....	1				
Quint.....				1	
Rhodes .....				1	
Shafter .....	1				
Soule.....				1	
Shurtleff.....	1				
Van Dyke.....	1				
Vineyard .....	1				
Warmcastle .....				1	
Watt.....		1			
Williamson.....	1				
Totals .....	11	8	4	6	4

Whole number of votes..... 33  
Necessary to a choice..... 17

There being no choice, the Senate proceeded to the second ballot, with the following result :

Names.	Howe.	Higgins.	Cherry.	Emmons	Weston.
Baker.....	1				
Banks .....			1		
Bogart .....					1
Burnell .....					1
Chamberlain .....		1			
Crane .....	1				
Denver .....					1
De Long.....					1
Doll.....	1				
Gaskill .....				1	
Harvey .....		1			
Harriman.....	1				
Hathaway .....	1				
Hill.....					1
Holden.....					1
Irwin .....				1	
Kimball .....	1				
Kutz .....					1

Names.	Howe.	Higgins.	Cherry.	Emmons	Weston.
Lewis .....					1
Merritt .....	1				
Nixon .....			1		
Oulton .....		1			
Parks .....		1			
Perkins. ....		1			
Powers .....	1				
Quint .....			1		
Rhodes. ....			1		
Shafter .....			1		
Soule .....					1
Shurtleff .....	1				
Van Dyke .....	1				
Vineyard .....	1				
Warmcastle .....			1		
Watt .....					1
Williamson .....	1				
Totals .....	12	5	6	2	10

Whole number of votes..... 35

Necessary to a choice.. 18

There being no choice, the Senate proceeded to the third ballot, which resulted as follows :

Names.	Howe.	Cherry.	Weston.
Baker .....	1		
Banks .....		1	
Bogart .....			1
Burnell .....			1
Chamberlain .....			1
Crane .....	1		
Denver .....			1
De Long .....			1
Doll .....	1		
Gaskill .....	1		
Harvey .....			1
Harriman .....	1		
Hathaway. ....	1		
Hill .....			1
Holden .....			1
Irwin .....	1		
Kimball .....	1		
Kutz .....			1
Lewis .....			1
Merritt .....	1		

Names.	Howe.	Cherry.	Weston.
Nixon .....	1		
Oulton.....	1		
Perkins.....	1		
Powers .....	1		
Rhodes .....	1		
Shafter .....	1		
Soule .....	1		
Shurtleff.....	1		
Van Dyke.....	1		
Vineyard .....	1		
Warmcastle.....			1
Watt .....			1
Williamson.....	1		
Totals.....	20	1	12

Whole number of votes..... 33

Necessary to a choice..... 17

Mr. Howe having received a majority of all the votes cast, was declared duly elected Assistant Secretary, and came forward and took the oath of office.

On motion of Mr. Denver, at half past three o'clock, p. m. the Senate adjourned.

J. McM. SHAFER,

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

# IN SENATE.

SENATE CHAMBER,  
Thursday, February 27th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Indefinite leave of absence was granted to Mr. Baker.

The President presented the following communication :

R. C. MALE ORPHAN ASYLUM,  
San Rafael, Marin Co., Feb. 27th, 1862. }

*To the Honorable the President of the Senate of California :*

SIR:—I beg leave to represent that the money appropriated by the last Legislature, toward the support of this establishment, has not yet been received, and therefore I could not make the usual return. I do ear-

nestly hope that the present Legislature will be as generous as the last was toward this Asylum, there being at present in it no less than eighty children, who entirely depend upon the charity of the public.

LEWIS LOOTENS.

Supt Orphan Asylum.

The above communication was referred to the Finance Committee.

#### REPORTS.

Mr. Heacock, from the Committee on Public Buildings, made the following report :

MR. PRESIDENT :—The Committee on Public Buildings having had under consideration Senate bill No. 61, report the same back, with the recommendation that it be indefinitely postponed.

HEACOCK, Chairman.

Mr. Oulton, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 101, an Act amendatory of and supplemental to an Act entitled an Act to authorize married women to transact business in their own name as sole traders, passed April twelfth, eighteen hundred and fifty-eight ;

Also, Senate bill No. 182, an Act concerning hogs running at large in the County of El Dorado ;

Also, Senate bill No. 170, an Act concerning the sale of certain School Lands in Tulare County ;

Also, substitute for Senate bill No. 68, an Act to authorize the rebinding of books of the State Library ;

And report the same correctly engrossed.

OULTON, of the Committee.

Mr. Chamberlain, from the Committee on Agriculture, made the following report :

MR. PRESIDENT :—The Committee on Agriculture, to whom was referred Senate bill No. 172, in relation to Commissioners to regulate water courses, report the same back, and recommend its passage.

CHAMBERLAIN, Chairman.

Mr. Hill, from the Committee on Hospitals, made the following report :

MR. PRESIDENT :—The Committee on State Hospitals, to whom was referred Senate bill No. 201, an Act to amend an Act entitled an Act to authorize Guardians of minors, idiots, and lunatics, to receive and remove from the State any property to which said ward may be entitled, approved March thirteenth, eighteen hundred and fifty-eight, report the same back, and recommend its passage.

JOHN H. HILL,  
A. B. NIXON,  
B. SHURTLEFF,  
B. W. HATHAWAY,  
J. A. BANKS.



Mr Soule, from the Committee on Commerce and Navigation, made the following reports :

MR. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 205, have considered the same, and recommend its passage.

SOULE, Chairman.

MR. PRESIDENT :—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 115, have considered the same, and recommend the same be amended by adding at the end of the first section the following: " Provided, such wharf shall be located within the boundaries of the Antioch, on the southern bank of the San Joaquin River, and, thus amended, recommend its passage.

SOULE, Chairman.

Mr. Shafter, from the San Francisco delegation, made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 67, recommend the passage of the same ;

They have also considered Senate bill No. 92, and recommend its indefinite postponement.

SHAFTER, for Delegation.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 134, an Act to pay the claim of George E. Drew, beg leave to report that they have had the same under consideration, and report it back, with amendments, and recommend its passage as amended ;

They have also considered Senate bill No. 204, an Act to authorize the settlement of the War Debt of the State of California with the Federal Government, and recommend that the same be indefinitely postponed ;

They have also considered Senate bill No. 203, an Act to authorize the officers of Visalia Lodge of Free and Accepted Masons to sell and convey certain property belonging to said Lodge, and recommend its passage ;

They have also considered Senate bill No. 189, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. A majority of the Committee recommend that it be indefinitely postponed, and a minority dissent, and recommend its passage ;

They have also considered Senate bill No. 207, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, approved February twentieth, eighteen hundred and fifty-seven, and report the same back with an amendment, and recommend its passage as amended ;

They have also considered Senate bill No. 192, an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, and report the same back, with an amendment, and recommend its passage as amended ;

They have also considered Senate bill No. 193, an Act to amend an

Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and recommend its indefinite postponement;

They have also considered Senate bills Nos. 190, 191, and 197, with same title as the above, and recommend their passage.

A. L. RHODES, Chairman.

Mr. Baker was granted indefinite leave of absence.

Mr. Chamberlain was excused from serving on the Committee to visit the vineyard of Colonel Haraszthy, and Mr. Perkins was appointed in his place.

Messrs. Chamberlain, De Long, and Warmcastle, were appointed a Special Committee on Senate bill No. 218, an Act for the relief of contractors upon the foundation and basement walls of the State Capitol building at Sacramento.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 26th, 1862. }

Mr. PRESIDENT:—The Assembly yesterday concurred in Senate concurrent resolution No. 40, relative to the militia of the State;

Also, concurred in Senate concurrent resolution No. 39, relative to Chinese statistics, and have appointed Messrs Benton, Seaton, and Battles, as a committee on the part of the House, in accordance therewith.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 26th, 1862. }

Mr. PRESIDENT:—The Assembly on yesterday passed, with amendments, Senate bill No. 152, an Act to transfer certain funds.

SEDGWICK, Clerk.

Senate bill No. 152, above reported, was taken up.

Mr. Parks offered the following amendment to the second Assembly amendment:

And, *provided*, that no money, excepting money for school purposes, which may be in the State Treasury on the first day of July, eighteen hundred and sixty-two, or which may thereafter come into the Treasury, shall be apportioned to any fund, or paid out, until the whole sum provided for in this Act shall have been returned into the fund from whence it was taken; and, *provided*, further, that so much of the Act of May seventeenth, eighteen hundred and sixty-one, entitled an Act to provide revenue for the support of the Government of this State, or of any other Act as authorized the Controller and Treasurer to anticipate by draft, or order, the settlement of any County Treasurer, or to draw any State money out of any County Treasurer's possession, is hereby suspended until the first Monday of August, eighteen hundred and sixty-two.

The Chair (Mr. Merritt) decided the amendment out of order.

From which decision Mr. Parks appealed, and the decision of the Chair was sustained.

The Senate then refused to concur in the Assembly amendments.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Merritt, for an Act amendatory of an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Finance Committee.

By Mr. Parks, for an Act in relation to the Insane of California.

Read first and second times, and referred to Hospital Committee, and ordered printed.

By Mr. Holden, for an Act to amend an Act entitled an Act to regulate fees in office in certain counties in this State.

Read first and second times, and placed on file.

By Mr. Warmcastle, for an Act to amend section twenty-five of an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Doll, for an Act concerning fees of office in certain cases in the County of Tehama, and to consolidate certain offices.

Read first and second times, and referred to the Finance Committee.

By Mr. Shafter, for an Act to confirm possession of lands in the City and County of San Francisco, held under Ordinance No. 882, commonly called the "Van Ness Ordinance," and to grant the interest of the City and County of San Francisco in and to its pueblo lands.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Gallagher, for an Act appropriating money for the erection of a building in the City of San Francisco for the use of the Home for the Care of the Inebriate.

Read first and second times, and referred to the Finance Committee.

By Mr. Holden, for an Act to authorize José Lorenzo de Jesus Maria Piña to sell and convey real estate.

Read first and second times, and placed on file.

By Mr. Vineyard, for an Act to create the office of Commissioner of Agriculture.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Burnell, for an Act for the relief of W. J. Paugh, late Sheriff of the County of Amador.

Read first and second times, and referred to the Committee on Claims.

## RESOLUTIONS.

Mr. Parks offered the following resolution :

*Resolved*, That the Committee on Public Hospitals are hereby requested to visit the State Insane Asylum at their earliest convenience, and that Senator Harvey be added to said committee.

Adopted.

Mr. Rhodes offered concurrent resolution asking the Governor to return to the Senate Senate bill No. 121.

Adopted.

Mr. Banks offered the following resolution :

*Resolved*, That the Attorney-General of the State of California be and is hereby instructed to intervene in all cases of Spanish land grants before the United States District Courts, for the purpose of preventing the grantors from including within their surveys any swamp and overflowed lands belonging to the State of California.

Referred to the Judiciary Committee.

Mr. Crane offered the following resolution :

*Resolved*, That T. H. Lochr be allowed the sum of two hundred and ten dollars, for his fees as Assistant Sergeant-at-Arms in going to Mono County and serving process in the contested election case of Cavis *vs.* Quint, and that the Comptroller draw his warrant on the Treasurer for said amount, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Claims.

#### GENERAL FILE.

Substitute for Senate bill No. 56, an Act to protect the People of the State of California against the maintenance of foreign paupers and alien criminals—placed top of file for Wednesday, March fifth, eighteen hundred and sixty-two.

Senate bill No. 53, an Act to extend the time for completing the foundation and basement walls of the State Capitol building in the City of Sacramento—made special order for Wednesday, March fifth, at half past eleven o'clock, A. M.

Senate bill No. 153, an Act to authorize James Craig, Guardian of the infant heir of Michael Flanigan, deceased, to sell property in Tuolumne County—read third time, and passed.

Assembly bill No. 18, an Act for the relief of Dennis Tryon.

On ordering the bill to be read third time, the ayes and noes were demanded, by Messrs. Watt, Kutz, and Shafter, and taken, with the following result :

AYES—Messrs. Banks, De Long, Gallagher, Heacock, Hill, Holden, Lewis, Perkins, Quint, Soule, Shurtleff, and Van Dyke—12.

NOES—Messrs. Burnell, Chamberlain, Crane, Denver, Gaskill, Harvey, Harriman, Hathaway, Kimball, Kutz, Merritt, Nixon, Oulton, Parks, Porter, Powers, Rhodes, Shafter, Warmcastle, and Watt—20.

Substitute for Senate bill No. 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 169, an Act to submit the location of the county seat of Stanislaus County to the qualified electors thereof—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 178, an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed



and Salt Marsh and Tide Lands, donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one—amended, ordered to the top of file for Thursday, March sixth, and ordered printed.

Senate bill No. 147, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—substitute adopted, read first and second times, and placed on file.

Senate bill No. 172, an Act for the relief of purchasers of Swamp and Overflowed and Marsh and Tide Lands—substitute adopted, read first and second times, and placed on file.

Senate bill No. 78, an Act to establish a municipal or inferior Court in the City and County of San Francisco—amended, and referred to San Francisco delegation, with instructions to report to-morrow morning.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 27th, 1862. }

Mr. PRESIDENT:—The Assembly yesterday passed Assembly bill No. 146, an Act concerning the government of the City of Marysville;

Also, concurred in Senate amendments to Assembly bill No. 102, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment of roads and bridges;

Also, passed Senate bill No. 47, an Act in relation to public roads in the County of Amador, and to Road Fund of said county;

Also, passed Senate bill No. 66, an Act to grant the right to construct a turnpike road from the great bend of the Mojave River, in the County of San Bernardino, through Williamson's Pass, to the Pacific Coast, at or near the Town of Buenaventura, in the County of Santa Barbara;

Also, passed Senate bill No. 161, an Act to transcribe certain records of the County of Shasta;

Also, passed Senate bill No. 185, an Act to authorize the Board of Supervisors of Amador County to levy a special tax and create a Redemption Fund for the payment of outstanding road warrants in said county;

Also, passed Senate bill No. 209, an Act relating to the interest tax of Siskiyou County.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 146, above reported, read first and second times, and referred to the Yuba delegation.

On motion of Mr. Watt, at half past two o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,  
President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Friday, February 28th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The Chair presented a memorial from the Mayor and Board of Supervisors of the City and County of San Francisco, relative to street railroads.

Also, a communication from the Trustees of the Protestant Orphan Asylum, relative to the condition and necessities of the same.

Mr. Harriman presented a petition of citizens of Placer County, in favor of the present Sunday Law, with such amendments thereto as will insure a more uniform observance and equal operation of the same.

## REPORTS.

Mr. Perkins, from the Committee on Finance, made the following report :

MR. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 208, an Act to appropriate money out of the General Fund, for the relief of sufferers by the flood, have had the same under consideration, and report the same back to the Senate, having filled the blank in said bill with the sum of fifteen hundred dollars, without recommendation ;

Also, have had under consideration Senate bill No. 202, an Act relative to the office of State Treasurer, and report the same back, and recommend its passage ;

Also, have had under consideration Senate bill No. 175, an Act in relation to the Register of the State Land Office, and report the same back, with amendments, and recommend its passage as proposed to be amended ;

Also, have had under consideration Assembly bill No. 86, an Act for the relief of the tax payers of Mendocino County, which was recommended to them, and report the same back, and again recommend its indefinite postponement ;

Also, have had under consideration resolution introduced into the Senate, for the payment of one week's per diem, at three dollars per day, to Willie Clark, as Page during the organization of the Senate, and report the same back, and recommend its adoption.

PERKINS, Chairman.

Mr. Van Dyke, from the Committee on Military Affairs, made the following report :

MR. PRESIDENT:—Your Committee on Military Affairs, acting jointly with the Committee on Military Affairs of the Assembly, in pursuance of instructions of a concurrent resolution, have had under consideration the military system of this State.

The Joint Committee were unanimously of the opinion that the division of the State into six Divisions and twelve Brigades, as at present, creates altogether too many officers belonging to those grades, and makes the militia system cumbersome and unwieldy.

The militia should be organized with a view to active service, and with the further object of combining economy with the greatest degree of efficiency.

The Committee are of the opinion that with the present small population of this State, and our consequent inability to call out a large number of troops, one Major-General and six Brigadiers would be abundantly sufficient, and that the system would possess much more energy with but one Major-General, who should combine good administrative ability with a thorough military education, than with six officers of the same grade, in different parts of the State, of little or no military experience. The expense to the people of the State in case the militia should be called into service, would be very much reduced by the change proposed.

The present law seems to have been designed for the purpose of creating as many merely honorary offices as possible, without any regard to a due proportion of staff with the whole number of troops the State can furnish, in which respect it has been eminently successful. The Committee, upon inquiry and investigation, have also become well satisfied, that while some of the officers now holding commissions in our State militia are loyal and efficient, there are many who are both incompetent, and disloyal in sentiment.

A number of such disloyal and incompetent officers having been appointed prior to the passage of the Act of last session, (and whose appointments were confirmed by said Act,) cannot be reached except by amendment of the law. In such times as these, your Committee deem it hardly necessary to suggest that it is of vital importance to the welfare of this State, and of the whole Pacific slope, that none whose loyalty is not above suspicion, should be placed in command of our citizen soldiery. In the ordinary affairs of life we require some guaranty as to ability and fidelity in the one to whom we are to intrust our business; how much more important that the like qualities should be exacted from those who are called to command our troops in times of danger, and to whose keeping we intrust not only the lives of brave men, but, it may be, the safety as well as the destiny of the whole people.

For these reasons, a bill has been prepared by the Committee, making the changes pointed out, and reconciling the other provisions of the present law to the same; also making such other slight amendments as experience under the present law has suggested to military gentlemen whose opinion is entitled to consideration.

The Assembly having already referred to its Committee on Military Affairs two bills amendatory of the Act of last session, the bill prepared by the Joint Committee has been reported to that House as a substitute for both, with a recommendation that it pass.

VAN DYKE, Chairman.

Mr. De Long made a verbal report, recommending the passage of Senate bill No. 165, an Act concerning roads and highways in the County of Mariposa;

Also, a verbal report, recommending the passage of Assembly bill No. 146, an Act concerning the government of the City of Marysville.

On motion of Mr. De Long, the rules were suspended, and Assembly bill No. 146, above reported, was read third time, and passed.

Mr. Hathaway, from the Committee on Federal Relations, made the following reports:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Senate concurrent resolution No. 34, ask leave to report the same back, and a majority of said Committee recommend its indefinite postponement.

HATHAWAY, Chairman.

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Senate bill No. 37, ask leave to report the same back, with a substitute, and recommend the passage of the substitute.

HATHAWAY,  
POWERS,  
KUTZ.

Mr. Oulton, from the Committee on Engrossment, made the following reports:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate Bill No. 174, an Act for the relief of E. B. Ryan, Assessor for the City and County of Sacramento;

Also, Senate bill No. 64, an Act to authorize the Governor of the State of California to convey certain real estate;

Also, Senate bill No. 168, an Act to provide for transcribing certain records in the Recorder's office of Napa County, pertaining to Lake County;

Also, Senate bill No. 131, an Act to amend an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one; and report the same correctly engrossed.

OULTON, of the Committee.

MR. PRESIDENT:—In the engrossed copy of Senate bill No. 64, reported by the Committee on Engrossment, the word "and" is inserted in the nineteenth line of the first section, between the word "hundred" and the word "thirty;" also between the word "hundred" and the word "thirty," in the twenty-fourth line, making it, in each case, read "one hundred and thirty," instead of "one hundred thirty," in the original bill.

Also, the word "said," occurring in the forty-fourth line of section one of the original bill, between the words "to" and "Samuel," is stricken out, making the bill read "to Samuel Brannan," instead of "to said Samuel Brannan," as in the original bill.

I move, Mr. President, that these changes be concurred in by the Senate, as amendatory to the bill.

OULTON, Chairman.

The above motion was carried.

Mr. Porter, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined and



found correctly enrolled, Senate bill No. 34, an Act to amend an Act entitled an Act authorizing and empowering the Board of Supervisors in and for the County of Butte to levy a special tax on all taxable property in said county, for contingent purposes, approved March sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 96, an Act for the relief of holders of stamps heretofore issued for bills of lading;

Also, Senate bill No. 100, an Act to legalize and provide for the collection of delinquent taxes in the County of Solano, due the city of Benicia;

Also, Senate bill No. 62, an Act to amend an Act entitled an Act concerning Agricultural Societies, approved March twelfth, eighteen hundred and fifty-nine;

Also, Senate bill No. 159, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Tehama County to remove the remains from the old graveyard in Red Bluff, to the new cemetery, and to levy a tax to pay the cost of the same, passed April eighth, eighteen hundred and sixty-one;

Also, Senate bill No. 185, an Act to authorize the Board of Supervisors of Amador County to levy a special tax, and create a Redemption Fund for the payment of outstanding road warrants in said county;

And, on the twenty-eighth day of February, eighteen hundred and sixty-two, delivered the same to the Governor, for his approval.

GEO. K. PORTER, Chairman.

Mr. Shafter made a verbal report, recommending the passage of Senate bill No. 78, an Act to establish a municipal or inferior Court in and for the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco.

Mr. Irwin made the following report:

MR. PRESIDENT:—The Committee to whom was referred the claims of R. M. Wilson, E. Green, Sol Carter, and L. O. Sterns, witnesses in the Mono contested election, would respectfully report that they have had the same under consideration, and examined them fully, and find that the accounts which the several parties have presented are just and reasonable, and recommend that the same be paid, to wit: the sum of four hundred and seventy-four dollars each, and report a resolution herewith for that purpose, and recommend its passage.

R. IRWIN, Chairman.

The following is the resolution above reported:

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrant on the Treasurer of State, in favor of R. M. Wilson, E. Green, Sol Carter, and L. O. Sterns, each for the sum of four hundred and seventy-four dollars, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Elections, with instructions to report to-morrow.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hathaway, for an Act to grant the right to construct a wharf

and slip in the City and County of San Francisco to the San Francisco and Oakland Railroad Company.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Gaskill, for an Act in relation to the Board of Supervisors in and for Butte County, and concerning their powers.

Read first and second times, and referred to the Butte delegation.

Also, for an Act authorizing the Treasurer of State to employ an additional Clerk.

Read first and second times, and placed on file.

By Mr. Soule, for an Act to authorize the construction of a marine railway in the City and County of San Francisco.

Read first and second times, and placed on file.

Mr. De Long offered the following resolution :

*Resolved*, That the Committee on Military Affairs be directed to report upon the military appointments made by Governor Downey, on or before twelve o'clock to-morrow.

Pending the consideration of which, the general file was taken up.

#### GENERAL FILE.

Senate bill No. 106, an Act to authorize the Board of Supervisors of each county in this State to license certain places of amusements—was referred to the Committee on Public Buildings.

Senate bill No. 61, an Act to suspend, until the ensuing session of the Legislature, the construction of the State Capitol, now in process of construction in the City of Sacramento.

Mr. De Long moved to recommit the bill to the Committee on Public Buildings.

Mr. Chamberlain moved to amend, by instructing the committee to confer with the contractors, and receive their proposals for rescinding the contract, and to report a substitute bill for the discontinuance of work on the Capitol, that shall not in any future look to future removal of the Capitol.

Lost.

The question recurring upon the motion to recommit, the ayes and noes were demanded, by Messrs. Heacock, Oulton, and Soule, and taken, with the following result :

AYES—Messrs. Bogart, Chamberlain, De Long, Harriman, Hathaway, Holden, Merritt, Perkins, Porter, Powers, Rhodes, Shafter, Van Dyke, Warmcastle, and Watt—15.

NOES—Messrs. Banks, Burnell, Crane, Denver, Harvey, Heacock, Irwin, Kimball, Kutz, Lewis, Nixon, Oulton, Parks, Quint, Soule, Vineyard, and Williamson—17.

So the motion to recommit was lost.

Mr. De Long then moved to refer to the Judiciary Committee.

Upon which, the ayes and noes were demanded, by Messrs. De Long, Oulton, and Porter, and taken, with the following result:

AYES—Messrs. Bogart, Chamberlain, Crane, De Long, Gaskill, Harri-  
man, Hathaway, Holden, Kutz, Perkins, Porter, Powers, Rhodes, Shafter,  
Soule, Van Dyke, Vineyard, Warmcastle, and Watt—19.

NOES—Messrs. Burnell, Denver, Harvey, Heacock, Irwin, Kimball,  
Lewis, Merritt, Nixon, Oulton, Parks, Quint, and Williamson—13.

So the bill was referred to the Judiciary Committee.

Senate bill No. 67, an Act providing for an Attorney and Counsellor in  
and for the City and County of San Francisco—considered as in Com-  
mittee of the Whole, reported without amendment, and ordered to be  
engrossed, and read third time.

Senate bill No. 78, an Act to establish a municipal or inferior Court in  
the City and County of San Francisco, (to be called the Municipal Civil  
Court of the City and County of San Francisco)—placed on top of the  
file for Wednesday, March fifth.

Mr. Heacock, from the Committee on Public Buildings, made the fol-  
lowing report:

MR. PRESIDENT:—The Committee on Public Buildings report back  
Senate bill No. 106, without recommendation.

HEACOCK, Chairman.

On motion of Mr. Porter, at fifteen minutes past three o'clock, P. M.,  
the Senate adjourned.

J. F. CHELLIS.

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER, }  
Saturday, March 1st, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Indefinite leave of absence was granted the State Hospital Committee.

## PETITIONS.

Mr. Shafter presented a petition relative to Attachment Law.

Mr. Chamberlain presented a petition relative to same subject.

Referred to Judiciary Committee.

## REPORTS.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT :—Your Committee on Judiciary have had under consideration Senate bill No. 168, an Act to amend an Act entitled an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, and the several Acts amendatory thereto, and beg leave to report the same back, with an amendment, and recommend that the bill as amended be passed.

A. L. RHODES, Chairman.

Mr. Powers, from the Committee on Engrossment, made the following report:

MR. PRESIDENT :—The Committee on Engrossment have examined substitute for Senate bill No. 169, an Act to submit the location of the county seat of Stanislaus County to the qualified electors thereof, and find the same correctly engrossed;

Also, have examined with the care which the importance of the bill demands, the voluminous and tautological bill introduced by the Senator from Alameda, and known as Senate bill No. 118, an Act concerning roads and highways in the County of Alameda, and report the same correctly engrossed.

POWERS, of the Committee.

Mr. Parks, from the Committee on Claims, made the following report:

MR. PRESIDENT :—The Committee on Claims have had under consideration Senate bill No. 133, for the relief of Captains who raised companies in the volunteer regiments, report the same back, and a majority of the Committee recommend that it be indefinitely postponed;

Also, have further investigated the claim of Eugene Lies for translating the State laws, and find that he has charged for translating list of the officers of the State, Commissioners of Deeds, and Treasurer's Report, and there is, comparatively speaking, no translation in the matter named. Your Committee are willing to pay for the same, and in accordance with Mr. Lies' own computation, after deducting the above. We find the State is indebted to Mr. Lies in the sum of one hundred and fifty dollars.

PARKS, Chairman.

Mr. Kimball, from the Committee on Elections, made the following report:

MR. PRESIDENT :—The Committee on Elections, to whom was referred the compensation to be allowed to the witnesses L. O. Sterns, R. M. Wilson, E. Greene, and Sol Carter, having had the same under consideration, do report that there is due to each of said witnesses, for their attendance and expenses, the sum of four hundred dollars, constituted of the following items, viz:



Six hundred and fifty-two miles' travelling fees, at 20 cents.....	\$130 00
Expenses over and here.....	105 00
Thirteen days' attendance, at \$3 per day .....	39 00
Expenses back, ten days, at \$6 per day .....	60 00
Horse keeping at Folsom .....	21 00
Horse hire, thirty days, at \$1 50 per day .....	45 00
Total .....	\$400 00

The Committee therefore recommend the adoption of the accompanying resolution.

*Resolved*, That the Controller of State be and is hereby authorized and directed to draw his warrant on the Treasurer of State, in favor of R. M. Wilson, E. Green, Sol Carter, and L. O. Sterns, each for the sum of four hundred dollars, payable out of the Contingent Fund of the Senate.

KIMBALL, Chairman.  
IRWIN.  
HARRIMAN.  
LEWIS.  
CRANE.

The resolution was adopted.

Mr. Soule, from the Committee on Commerce and Navigation, made the following reports:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 125, have considered the same, report the same back, and recommend its passage.

SOULE, Chairman.

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 215, have considered the same, report the same back, and recommend its indefinite postponement.

SOULE, Chairman.

Mr. Chamberlain made the following report:

MR. PRESIDENT:—The Special Committee, to whom was referred Senate bill No. 218, an Act for the relief of contractors upon the foundation and basement walls of the State Capitol building at Sacramento, report the same back, without recommendation, and ask that it be referred to the Judiciary Committee, in order that it may be considered in connection with the bill for the suspension of work on the Capitol, already before the said committee.

CHAMBERLAIN, for Committee.

Senate bill No. 218, above reported, was referred to the Judiciary Committee.

Mr. Irwin presented accounts of James Anthony & Co., for newspapers, etc.

Referred to Committee on Contingent Expenses.

Mr. Harriman made the following report:

MR. PRESIDENT:—The Placer delegation, to whom was referred Assem-

bly bill No. 119, have had the same under consideration, report it back, and recommend its passage.

HARRIMAN.

Assembly bill No. 119, above reported, was, the rules being suspended, read a third time, and passed.

Mr. Perkins, from the Committee on Finance, made the following report :

MR. PRESIDENT:—The Committee on Finance, to whom was referred Senate bill No. 120, an Act to release certain claims on the part of the State, have had the same under consideration, report it back with a substitute amendment, and recommend its passage.

PERKINS, Chairman.

Mr. Irwin, from the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT:—Your Committee on Contingent Expenses, to whom was referred the accounts of James Anthony & Co., for newspapers furnished the Senate, amounting to one hundred and eight dollars, beg leave to report the same back, and recommend that it pass.

IRWIN, Chairman.

Mr. Parks had leave to withdraw the claim of J. A. Chambers.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 28th, 1862. }

MR. PRESIDENT:—The Assembly yesterday amended and passed substitute for Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by Act of Congress ;

Also, resolved to adhere to Assembly amendments to Senate bill No. 152, relating to transfer of certain funds, and have appointed Messrs. Tilton, of San Francisco, Shannon, and Hillyer, a Committee of Free Conference, on the part of the House, and ask the appointment of a like committee on the part of the Senate.

W. N. SLOCUM,  
Assistant Clerk.

Messrs. De Long, Merritt, and Gaskill, were appointed a Committee of Free Conference on the part of the Senate, on Senate bill No. 152, above reported.

ASSEMBLY CHAMBER,  
February 28th, 1862. }

MR. PRESIDENT:—The Assembly on the twenty-sixth instant passed Assembly bill No. 123, an Act relative to the office of Superintendent of Common Schools in the Counties of Tuolumne and Mono ;

Also, to-day adopted Assembly concurrent resolution No. 29, relative to bids for the translation of the laws into Spanish.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 123, above reported, was read first and second times, and referred to Tuolumne and Mono delegation.

Assembly concurrent resolution No. 20, above reported, was concurred in.

ASSEMBLY CHAMBER. }  
March 1st, 1862. }

MR. PRESIDENT:—The Assembly to-day passed Assembly bill No. 156, an Act to provide for the election of a Board of Supervisors in the County of San Mateo.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 156, above reported, was read first and second times, rules suspended, read third time, and passed.

#### SPECIAL ORDER.

The resolutions sustaining the Federal Government, etc., (special order for this day,) were taken up, and the consideration postponed to Thursday, March sixth, at half past eleven o'clock, A. M.

Senate bill No. 234 was referred to the San Francisco delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Denver, for an Act to repeal section eleven of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Finance Committee.

By Mr. Crane, for an Act granting to certain persons the right to establish and run a ferry between the island of Yerba Buena and the City of San Francisco, and to construct a railroad from said island to the Alameda County shore.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Chamberlain, for an Act to appropriate money for the relief of destitute females in the State of California.

Read first and second times, and referred to the Finance Committee.

By Mr. Holden, for an Act to authorize Joshua Hendry, H. B. Tichenor, and Robert G. Byxbee, to construct and maintain a wharf at the mouth of the Navarro River, in Mendocino County.

Read first and second times, and referred to the Committee on Commerce and Navigation.

#### GENERAL FILE.

Senate bill No. 131, an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the Counties of this State, passed May seventeenth, eighteen hundred and sixty-one—read third time, and passed.

Senate bill No. 174, an Act for the relief of E. B. Ryan, Assessor for the City and County of Sacramento—read third time, and passed.

Senate bill No. 64, an Act to authorize the Governor of this State to convey certain real estate—read third time, and passed.

Senate bill No. 92, an Act to fix the compensation of the members of the Board of Supervisors of the City and County of San Francisco—placed on top of file for Wednesday, March fifth, eighteen hundred and sixty-two.

Substitute for Senate bill No. 147, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 166, an Act to exempt from taxation the Charitable Institute, and all seminaries of learning, etc., in the County of Los Angeles—was indefinitely postponed.

Senate bill No. 189, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—was indefinitely postponed.

Senate bill No. 179, an Act to amend an Act creating a Board of Commissioners in each township of the several counties of this State, to regulate water courses within their several limits, passed May fifteenth, eighteen hundred and fifty-four—was, the rules being suspended, considered engrossed, read third time, and passed.

Senate bill No. 190, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State—passed April twenty-ninth, eighteen hundred and fifty-one—was, the rules being suspended, considered engrossed, read third time, and passed.

Substitute for Senate bill No. 192, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—was, the rules being suspended, considered engrossed, read third time, and passed.

Senate bill No. 172, an Act for the relief of purchasers of Swamp and Overflowed and Salt Marsh and Tide Lands—ordered engrossed, and read third time.

Senate bill No. 120, an Act to release certain claims on the part of the State—amended and indefinitely postponed, by the following vote, the ayes and noes being demanded by Messrs. Watt, Doll, and Merritt:

AYES—Messrs. Burnell, Chamberlain, Denver, De Long, Doll, Harri-  
man, Heacock, Holden, Irwin, Kutz, Lewis, Oulton, Parks, Powers,  
Quint, Van Dyke, Warmcastle, and Watt—18.

NOES—Messrs. Crane, Gaskill, Hathaway, Kimball, Merritt, Perkins,  
Porter, Rhodes, Shafter, Soule, and Williamson—11.

Assembly bill No. 115, an Act for the construction and maintenance of a wharf in Contra Costa County—amended, read third time, and passed.

Substitute for Senate bill No. 87 and Senate bill No. 109, Acts to provide for the construction of a wharf on the southerly bank of the San Joaquin River—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 197, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—was, rules being suspended, considered engrossed, read third time, and passed.

Senate bill No. 191, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—was, rules being suspended, considered engrossed, read third time, and passed.

Senate bill No. 201, an Act to amend an Act to authorize Guardians of



minors, idiots, and lunatics, to receive and remove from this State, any property to which said ward may be entitled, approved March thirteenth, eighteen hundred and fifty-eight—laid on the table.

Senate bill No. 203, an Act to authorize the officers of Visalia Lodge, Free and Accepted Masons, to sell and convey certain property belonging to said Lodge—was, rules being suspended, considered engrossed, read third time, and passed.

Senate bill No. 227, an Act to authorize José Lorenzo de Jesus Maria Piña to sell real estate—was, rules being suspended, considered engrossed, read third time, and passed.

Senate bill No. 205, an Act to authorize and empower Joshua Hendry, H. B. Tichenor, and Robert G. Byxbee, to construct and maintain booms on the Navarro River, in Mendocino County—was, rules being suspended, considered engrossed, read third time, and passed.

Senate bill No. 204, an Act to authorize the settlement of the War Debt of California with the Federal Government—was indefinitely postponed.

Senate bill No. 193, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—was indefinitely postponed.

Senate bill No. 226, an Act to amend an Act entitled an Act to regulate fees in office in certain counties in this State—was ordered engrossed, and read a third time.

Senate bill No. 207, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, approved February twentieth, eighteen hundred and fifty-seven—was amended, ordered engrossed, and read a third time.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Rhodes, for an Act for the relief of the heirs of Abraham De Leeur, deceased.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Quint, for an Act to grant to James H. and Charles J. Deering the right to construct and maintain a bridge or bridges across the Tuolumne River.

Read first and second times, and referred to the Tuolumne and Mono delegation.

Senate bill No. 202, an Act relative to the office of State Treasurer.

On the indefinite postponement of the bill, Messrs. Merritt, Denver, and Burnell, demanded the ayes and noes, with the following result :

AYES—MESSRS. Bogart, Burnell, Chamberlain, Denver, Doll, Gallagher, Hathaway, Holden, Irwin, Kutz, Merritt, Oulton, Parks, Shafter, Soule, Van Dyke, Vineyard, and Watt—18.

NOES—MESSRS. Crane, Gaskill, Perkins, Porter, Powers, and Rhodes—6.

The following resolution was offered :

*Resolved*, That Willie Clark be allowed one week's per diem, at three dollars per day, for services rendered as Page, during the organization of the Senate, payable out of the Contingent Fund of the Senate.

Adopted.

On motion of Mr. Irwin, at four o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

# IN SENATE.

SENATE CHAMBER,

Monday, March 3d, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Mr. Hathaway presented a memorial of Daniel O'Regan—referred to Committee on Claims.

## REPORTS.

Mr. Quint made the following reports :

Mr. PRESIDENT :—The Tuolumne delegation, to whom was referred Assembly bill No. 238, an Act relative to the office of Superintendent of Common Schools in the Counties of Tuolumne and Mono, would report that they have had the same under consideration, and recommend its passage.

QUINT,  
WILLIAMSON.

Assembly bill No. 123, above reported, was read third time, and passed.

Mr. PRESIDENT :—The Tuolumne delegation, to whom was referred Senate bill No. 238, an Act to grant to James H. Deering and Charles J. Deering the right to construct and maintain a bridge across the Tuolumne River, report that they have had the same under consideration, and recommend its passage.

QUINT,  
WILLIAMSON.

Senate bill No. 238, above reported, was considered as in Committee of the Whole, rules suspended, considered engrossed, read third time, and passed.

Mr. Powers, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 198, an Act to authorize and empower Charles S. Clapp, Guardian of Albert Dorente, a minor, to sell certain real estate belonging to said minor ;

Also, Senate bill No. 177, an Act to repeal an Act entitled an Act for the relief of purchasers of real estate at sales made by Public Administrators, approved February seventh, eighteen hundred and sixty ;

Also, Senate bill No. 199, an Act to grant to E. P. Bowman, and his associates, the right to construct a bridge across the Cosumnes River, in the Counties of Amador and El Dorado ;

Also, Senate bill No. 164, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty ;

Also, Senate bill No. 187, an Act for the relief of W. C. Stokes, C. Co-villand, and the estate of James Simpson ; and find the same correctly engrossed.

POWERS, of the Committee.

Mr. Harriman made the following report :

MR. PRESIDENT:—The Placer delegation, to whom was referred Assembly bill No. 46, report it back, and recommend that it be referred to the delegation from San Luis Obispo.

HARRIMAN.

Adopted.

Mr. Soule made a verbal report, recommending passage of Senate bill No. 237, an Act to authorize Joshua Hendry, H. B. Tichenor, and Robert G. Byxbee, to construct and maintain a wharf at the mouth of the Navarro River, in Mendocino County.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 3d, 1862. }

MR. PRESIDENT:—The House have this day passed Assembly bill No. 162, an Act to submit the question of the removal of the county seat of Yolo County to the qualified voters thereof ;

Also, have this day passed Senate bill No. 73, an Act amendatory of an Act supplementary to an Act entitled an Act concerning escheated estates, passed March fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 162, above reported, was read first and second times, rules suspended, read third time, and passed.

Mr. De Long introduced a bill for an Act to amend an Act authorizing Charles H. Brindley, Andres Pico, and James R. Vineyard, to build and construct a turnpike road from the ex-Mission of San Fernando, across the Mountains of San Fernando, to the Arroyo de Santa Clara, in Los Angeles County, approved May seventh, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Roads and Highways.

Mr. Irwin moved to reconsider the vote by which Senate bill No. 120, an Act to release certain claims on behalf of the State, was indefinitely postponed.

Mr. Shafter moved that the motion of Mr. Irwin be made the special order for Wednesday, March fifth, eighteen hundred and sixty-two, at two o'clock, P. M., pending which, the general file was taken up.

#### GENERAL FILE.

Senate bill No. 134, an Act to pay the claim of George E. Drew—was recommitted to Committee on Claims.

Substitute for Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by Act of Congress, entitled an Act to provide for increased revenue from imports to pay interest on the public debt, and for other purposes, passed August sixth, eighteen hundred and sixty-one—was referred to the Judiciary Committee.

Senate bill No. 165, an Act concerning roads and highways in the County of Mariposa—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 175, an Act in relation to the Register of the State Land Office—was recommitted to Finance Committee.

Senate bill No. 37, an Act to divide the State into Congressional Districts, and to fix the time for electing Representatives to Congress—was ordered on top of file for Friday, March seventh, eighteen hundred and sixty-two.

Senate concurrent resolution No. 34, relative to overland mail—was adopted.

Assembly bill No. 86, an Act for the relief of the tax payers of Mendocino County—was amended, and indefinitely postponed.

Senate bill No. 208, an Act appropriating money out of the General Fund for the relief of sufferers by the flood—was indefinitely postponed.

Senate bill No. 231, an Act authorizing the Treasurer of State to employ an additional Clerk—was indefinitely postponed.

Senate bill No. 215, an Act to amend an Act entitled an Act to authorize the construction of certain wharves, approved February twenty-first, eighteen hundred and fifty-nine—was referred to Senator from Mendocino.

Assembly bill No. 125, an Act to authorize the construction and maintenance of a wharf on the Sacramento River, in the County of Solano—was read a third time, and passed.

Senate bill No. 108, an Act to amend an Act entitled an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-seven, and the several Acts amendatory thereto—was ordered on file for Wednesday, March fifth.

Senate bill No. 133, an Act to provide for the pay of Captains who have recruited and raised companies for the regiments of volunteers of this State, under the requisition of the President of the United States, and who are now actually in service of the United States under commission from the Governor of the State—was indefinitely postponed.

Mr. Oulton gave notice of reconsideration.

Senate bill No. 106—ordered to top of the file for Friday next.

Mr. De Long made the following report :

MR. PRESIDENT:—Your Special Conference Committee, to whom was referred Senate bill No. 152, having had the same under consideration, beg leave to report the following amendments, to wit :



Strike out of Assembly amendment to line twelve, section first, the words "State officers," and insert the words "present State Printer."

Also, amend section first, in line seventeen, by striking out the word "two," and inserting the word "three."

Also, that the Senate concur in Assembly amendment to section second, in striking out the word "November," and inserting the word "August."

Also, your Committee recommend that the following proviso, as an amendment, be added to section second, to wit: "*Provided*, that so much of the Act of May seventeenth, eighteen hundred and sixty-one, entitled an Act to provide revenue for the support of the Government of this State, or any other Act, as authorized the Controller and Treasurer to anticipate by draft or order the settlement of any County Treasurer, or to draw any State money out of any County Treasurer's possession, is hereby suspended until the first Monday of August, eighteen hundred and sixty-two."

C. E. DE LONG,  
R. C. GASKILL,  
SAMUEL A. MERRITT,  
Of Senate.

Agree to report, and recommend that the State Printer be paid.

TILTON, of San Francisco,  
HILLYER,  
Of Assembly.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Perkins, for an Act to limit and define the civil jurisdiction of the Justices of the Peace within the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Doll, for an Act to provide for the construction of a wagon road from Red Bluff to the eastern boundary line of this State, via Honey Lake.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Chamberlain, for an Act amendatory of an Act entitled an Act amendatory of and supplementary to an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Acts amendatory thereof, approved February, eighteen hundred and fifty-nine, and approved April twenty-second, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Parks, for an Act to define the boundaries of Sutter County.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Crane, for an Act to amend an Act to limit the term of leases.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to amend an Act entitled an Act to regulate proceedings

in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to appropriate money to pay the claims of James H. Hawkins and Myron Norton.

Read first and second times, and referred to the Committee on Claims.

By Mr. Heacock, for an Act amendatory of, and to extend the provisions of, an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times, and referred to the Judiciary Committee.

The motion of Mr. Shafter, to make the motion to reconsider the vote by which Senate bill No. 129, an Act to release certain claims on the part of the State, the special order for Wednesday, March fifth, at two P. M., was taken up.

Pending which, at forty-five minutes past one o'clock P. M., on motion of Mr. De Long, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 4th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Merritt presented a petition of citizens of Sonoma, against the repeal of their charter.

Referred to the Committee on Corporations.

Mr. Shurtleff presented a petition in favor of amendment to the Attachment Law.

Referred to the Judiciary Committee.

## REPORTS.

Mr. Burnell, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 194, an Act supplementary to an Act entitled an Act author-

izing the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight;

Also, Senate bill No. 203, an Act to authorize the officers of Visalia Lodge of Free and Accepted Masons to sell and convey certain property belonging to said Lodge;

Also, Senate bill No. 200, an Act making an appropriation for the payment of the claim of James Whitney and others, for the transportation of the property and appurtenances of the Legislature, and for fitting up apartments for the same;

Also, substitute for Senate bill No. 87, an Act to provide for the construction of a wharf at a point on the southerly bank of the San Joaquin River;

Also, an Act to repeal an Act entitled an Act for the protection of actual settlers, and to quiet land titles in this State, approved March twenty-fifth, eighteen hundred and fifty-six; and report the same correctly engrossed.

BURNELL, Chairman.

Bill No. 200, section two, third line from bottom, insert "for" before "twenty."

Adopted.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 121, an Act to provide for Public Administrators in certain counties, beg leave to report that they have had the same under consideration, and report it back, with amendments, and recommend its passage as amended;

They have also considered Assembly bill No. 24, an Act to authorize the Supreme Court to admit William M. Pierson as an Attorney of said Court, and report it back, without recommendation.

RHODES, Chairman.

Mr. Doll, from the Committee on Finance, made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Senate bill No. 122, an Act concerning fees in offices in certain cases in the County of Tehama, and to consolidate certain officers, have had the same under consideration, and beg leave to report the same back, with amendments, and recommend the adoption of the amendments and the passage of the bill.

DOLL, for Committee.

Mr. Perkins, from the Committee on Finance, made the following report:

MR. PRESIDENT:—The Committee on Finance, to whom was re-committed Senate bill No. 175, an Act relative to the Register of the State Land Office, have had the same under consideration, report the same back, with amendments, and recommend its passage as amended.

PERKINS.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled Senate bill No. 65, an Act to grant the right to construct and maintain a turnpike road from the great bend of the Mo-have River, in the County of San Bernardino, through Williamson's Pass, to the Pacific Coast, at or near the Town of Buenaventura, in the County of Santa Barbara ;

Also, Senate bill No. 73, an Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five ;

And this day, March third, eighteen hundred and sixty-two, delivered the same to the Governor for his approval.

PORTER, Chairman.

Mr. Soule, from the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 236, have considered the same, report the same back, and recommend its indefinite postponement.

SOULE, Chairman.

Mr. Bogart made the following report :

MR. PRESIDENT:—Your Committee waited on the Board of Supervisors, in compliance with the resolution adopted by the Senate, and report back the resolution of the Board of Supervisors ;

Also, recommend the adoption of the following resolution :

*Resolved*, That the Sergeant-at-Arms be and is hereby authorized to procure the suitable chains, and have them put up forthwith, in accordance with the resolution adopted by the Board of Supervisors of this city, and that the Porters of the Senate shall, each day, after the Senate adjourns, take the chains down and pile them up on one side of the street, out of the way of passengers and drays.

BOGART.

Adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, )  
March 4th, 1862. }

MR. PRESIDENT:—The Assembly yesterday indefinitely postponed Senate bill No. 11, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one ;

Also, amended and passed substitute for Senate bill No. 55, an Act to grant the right to construct a bridge across the Mokelumne River to Louis Lohr and others ;

Also, passed Senate bill No. 86, an Act to transfer certain funds ;

Also, passed Senate bill No. 48, an Act to provide for the collection of delinquent taxes in the city of San José ;



Also, adopted the report of the Committee of Free Conference on the disagreeing vote of the two Houses on Senate bill No. 152.

W. N. SLOCUM,

Assistant Clerk.

The Assembly amendments to Senate bill No. 55, above reported, were concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hathaway, for an Act to authorize Joseph M. Wood, his associates, and their assigns, to build a wharf in the City and County of San Francisco.

Read first and second times, and referred to San Francisco delegation.

By Mr. Soule, for an Act to abolish all laws for the collection of debts.

Read first and second times, and referred to Finance Committee.

Mr. De Long, from the Committee on Roads and Highways, made the following report :

Mr. PRESIDENT :—The Committee on Roads and Highways, to whom was referred Senate bill No. 246, having had the same under consideration, report the same back, and recommend its passage.

DE LONG, Chairman.

Senate bill No. 246, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

On motion of Mr. Oulton, the vote by which Senate bill No. 133 was on yesterday indefinitely postponed, was reconsidered, and the bill ordered to top of file for Friday next, March seventh.

Mr. Nixon introduced a bill for an Act concerning the construction and repair of levees in the County of Sacramento, and the mode of raising revenue therefor.

Read first and second times, and referred to Sacramento delegation.

By Mr. Banks, for an Act amendatory of and supplemental to an Act to regulate the fire department of the City and County of San Francisco, passed March twenty-fifth, eighteen hundred and fifty-seven, and the several Acts amendatory thereof.

Read first and second times, and referred to San Francisco delegation.

Mr. Lewis gave notice of a bill for an Act concerning bankers, etc.

Mr. Doll offered the following resolution :

*Resolved*, That permission be granted Richard M. Jessup to withdraw from the Secretary of State's office the papers relating to his claim for money advanced for charter of freight-boat during the Indian War in Washoe.

Adopted.

#### GENERAL FILE.

Assembly bill No. 72, an Act concerning mining associations and companies—was recommitted to Committee on Mines and Mining Interests.

Senate bill No. 198, an Act to authorize and empower Charles S. Clapp, Guardian of Albert Dorente, a minor, to sell certain real estate belonging to said minor—was read third time, and passed.

Senate bill No. 237, an Act to authorize Joshua Hendry, H. B. Tichenor, and Robert G. Byxbee, to construct and maintain a wharf at the mouth of the Navarro River, in Mendocino County—rules suspended, considered engrossed, read third time, and passed.

The motion to consider the vote by which Senate bill No. 120, an Act to release certain claims on the part of the State, made on yesterday, was made the special order for to-morrow, at two o'clock, P. M., by the following vote, the ayes and noes being demanded by Messrs. Watt, Harriman, and Hathaway:

AYES—Messrs. Banks, Bogart, Crane, Denver, Doll, Gaskill, Hathaway, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Nixon, Perkins, Porter, Quint, Rhodes, Shafter, Soule, Vineyard, and Williamson—22.

NOES—Messrs. Burnell, Chamberlain, De Long, Gallagher, Harriman, Kimball, Oulton, Parks, Pacheco, Powers, Shurtleff, Van Dyke, Warmcastle, and Watt—14.

Mr. Nixon offered the following resolution:

*Resolved*, That the Committee on Engrossment be authorized to employ an Assistant Engrossing Clerk when they deem an Assistant necessary.

Mr. Burnell moved to amend by inserting Engrossing Clerk, in place of Committee on Engrossment.

Upon which, the ayes and noes were demanded, by Messrs. Doll, Holden, and Pacheco, and taken, with the following result:

AYES—Messrs. Bogart, Burnell, Crane, Denver, De Long, Doll, Gallagher, Hill, Holden, Irwin, Kimball, Merritt, Oulton, Pacheco, Porter, Powers, Quint, Shurtleff, Van Dyke, Warmcastle, and Williamson—21.

NOES—Messrs. Banks, Chamberlain, Gaskill, Harriman, Hathaway, Heacock, Kutz, Nixon, Parks, Perkins, Rhodes, Shafter, Soule, and Vineyard—14.

Mr. Merritt moved to strike out all after the word "Assistant."  
Adopted.

Mr. Merritt moved to indefinitely postpone the resolution.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Gaskill, and Watt, and taken, with the following result:

AYES—Messrs. Chamberlain, Doll, Gaskill, Harriman, Hathaway, Kimball, Kutz, Merritt, Nixon, Oulton, Parks, Perkins, Porter, Rhodes, Shafter, Soule, and Watt—17.

NOES—Messrs. Banks, Bogart, Crane, Denver, De Long, Gallagher, Hill, Holden, Irwin, Lewis, Pacheco, Powers, Quint, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Williamson—18.

Mr. Doll moved to amend, by inserting, after the word "Assistant," "when the Engrossing Committee may deem one necessary."

Mr. Rhodes offered the following substitute for the amendment proposed by Mr. Doll: "And the said Assistant Clerk shall receive for his services a compensation at the rate of fifteen cents per folio, for all engrossing done each day, by both the Engrossing Clerk and the Assistant, exceeding thirty folios per day."

Lost.

Pending the consideration of the amendment offered by Mr. Doll, on motion of Mr. Williamson, at half past one o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Wednesday, March 5th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Holden presented a petition of citizens of Napa.

Mr. Heacock presented a petition of citizens of Sacramento.

Mr. Hill presented a petition of citizens of Petaluma.

Mr. Kutz presented a petition of citizens of Nevada.

Mr. De Long presented a petition of citizens of Yuba County.

Mr. Soule presented a petition of citizens of San Francisco.

Mr. Gaskill presented a petition of citizens of Butte County.

All in relation to the present and proposed Attachment Law.

Referred to Judiciary Committee.

## REPORTS.

Mr. Perkins, from the San Francisco delegation, made the following report:

Mr. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 249, an Act to limit and define the civil jurisdiction of the Justices of the Peace within the City and County of San Francisco, have had the same under consideration, and report the same back, and recommend its passage.

PERKINS.

Mr. Soule made a verbal report, recommending the passage of a substitute for Senate bill No. 234.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, March 4th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 73, an Act amendatory of an Act entitled an Act amendatory of an Act and supplementary to an Act entitled an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five.

LELAND STANFORD, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
 March 4th, 1862. }

Mr. PRESIDENT:—The Assembly have this day passed Assembly bill No. 122, an Act to authorize the Board of Supervisors of Calaveras County to issue bonds in a sum not to exceed six thousand dollars, and to dispose of the same for road purposes.

W. N. SLOCUM,  
 Assistant Clerk.

ASSEMBLY CHAMBER, }  
 March 5th, 1862. }

Mr. PRESIDENT:—The Assembly yesterday passed Assembly bill No. 134, an Act amendatory of and supplemental to an Act entitled an Act to incorporate the City of Santa Barbara, approved May eighteenth, eighteen hundred and sixty-one ;

Also, Assembly bill No. 142, an Act for the relief of Geo. W. Nexson ;

Also, indefinitely postponed Senate bill No. 70, an Act concerning chattel mortgages.

W. N. SLOCUM,  
 Assistant Clerk.

Assembly bill No. 142, above reported, was read first and second times, and referred to Committee on Claims.

Assembly bill No. 134, above reported, was read first and second times, and referred to Santa Barbara delegation.

Mr. Rhodes introduced a bill for an Act to transfer and legalize certain records in the County of Mono.

Read first and second times, and referred to Judiciary Committee.

GENERAL FILE.

Senate bill No. 160, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty, and the Acts amendatory thereto—recommitted to the Judiciary Committee.

Senate bill No. 80, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—indefinitely postponed.



## SPECIAL ORDER.

On motion of Mr. Parks, the Senate went into Executive Session, to consider the message of His Excellency Governor Stanford, appointing Robert H. Waterman to the office of Port Warden of San Francisco, vice C. R. Street, removed.

Upon the question of confirming the appointment, the roll was called, with the following result :

AYES—Messrs. Banks, Bogart, Crane, Gaskill, Harriman, Hathaway, Heacock, Kimball, Oulton, Pacheco, Porter, Powers, Rhodes, Shafter, Soule, and Van Dyke—16.

NOES—Messrs. Baker, Burnell, Denver, De Long, Doll, Gallagher, Hill, Holden, Irwin, Kutz, Lewis, Merritt, Parks, Perkins, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—20.

## REPORTS.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled, Senate bill No. 86, and on this day, at eleven o'clock, A. M., delivered the same to the Governor for his approval.

PORTER, Chairman.

Mr. Kimball, from the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined and found correctly engrossed, substitute for Senate bill No. 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings.

KIMBALL.

## GENERAL FILE RESUMED.

Substitute for Senate bill No. 56, an Act to protect the people of California against the maintenance of foreign paupers and alien criminals—ordered to top of file for Saturday, March eighth.

Senate bill No. 53, an Act to extend the time for completing the foundation and basement walls of the State Capitol building, in the City of Sacramento—was laid on the table.

Senate bill No. 78, an Act to establish a municipal or inferior Court in the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco—was taken up.

Pending the question of ordering the bill to be engrossed and read a third time, the special order, the motion to reconsider the vote by which Senate bill No. 120, an Act to release certain claims on the part of the State, was indefinitely postponed—was taken up.

The ayes and noes were demanded, by Messrs. Watt, De Long, and Merritt, and taken, with the following result :

AYES—Messrs. Banks, Bogart, Crane, Denver, Doll, Gallagher, Gaskill, Hathaway, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Nixon, Parks,

Pacheco, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Van Dyke, and Williamson—26.

NOES—Messrs. Chamberlain, De Long, Harriman, Kutz, Oulton, Shurtleff, Warmcastle, and Watt—8.

So the vote was reconsidered, and the bill was referred to the Committee on Claims.

Mr. Porter, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled, Senate bill No. 152, an Act to transfer certain funds, and at ten minutes past two o'clock, this day, presented the same to His Excellency the Governor, for his approval.

GEO. K. PORTER, Chairman.

Senate bill No. 78, an Act to establish a municipal or inferior Court in the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco, was again taken up.

Pending its consideration, on motion of Mr. De Long, at ten minutes past three o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,  
Thursday, March 6th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Gaskill, Denver, and Soule, presented petitions of citizens of Butte, El Dorado, and San Francisco Counties, in reference to Attachment Law.

Referred to the Judiciary Committee.

## REPORTS.

Mr. Kimball, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 67, an Act providing for an Attorney and Counsellor in and for the City and County of San Francisco;

Also, Senate bill No. 179, an Act to amend an Act entitled an Act creating a Board of Commissioners in each township of the several counties

of this State, to regulate water courses within their several limits, passed May fifteenth, eighteen hundred and fifty-four;

Also, Senate bill No. 226, an Act to amend an Act entitled an Act to regulate fees in office in certain counties of this State;

Also, Senate bill No. 207, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, approved February twentieth, eighteen hundred and fifty-seven;

And report the same correctly engrossed.

KIMBALL, for Committee.

Mr. Oulton, from the Committee on Mines and Mining Interests, made the following report:

MR. PRESIDENT:—The Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 72, an Act concerning mining associations and companies, report the same back, without recommendation.

OULTON, Chairman.

Mr. Irwin presented certain newspaper accounts.

Referred to Committee on Contingent Expenses.

Mr. Shurtleff presented an account of Northern Argus.

Referred to Committee on Contingent Expenses.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 5th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 15, an Act to amend an Act entitled an Act to amend an Act supplementary to an Act concerning Courts of Justice and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, approved May eighteenth, eighteen hundred and sixty-one;

Also, Senate bill No. 28, an Act to repeal certain Acts;

Also, substitute for Senate bill No. 121, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 96, an Act for the relief of holders of stamps heretofore issued for bills of lading;

Also, Senate bill No. 62, an Act to amend an Act entitled an Act concerning Agricultural Societies, approved March twelfth, eighteen hundred and fifty-nine;

Also, Senate bill No. 100, an Act to legalize and provide for the collection of delinquent taxes in the County of Solano, due to the City of Benicia;

Also, Senate bill No. 34, an Act to amend an Act entitled an Act authorizing and empowering the Board of Supervisors in and for the County of Butte to levy a special tax on all taxable property in said county, for contingent purposes, approved March sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 185, an Act to authorize the Board of Supervisors

of Amador County to levy a special tax and create a Redemption Fund for the payment of outstanding road warrants in said county;

Also, Senate bill No. 66, an Act to grant the right to construct a turn-pike road from the Great Bend of the Mohave River, in the County of San Bernardino, through Williamson's Pass, to the Pacific Coast, at or near the Town of Buenaventura, in the County of Santa Barbara;

Also, Senate bill No. 159, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Tehama County to remove the remains from the old graveyard in Red Bluff to the new cemetery, and to levy a tax to pay the cost of the same, passed April eighth, eighteen hundred and sixty-one;

Also, Senate bill No. 86, an Act to transfer certain funds.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 5th, 1862. }

*To the Honorable the Senate of California:*

I hereby nominate to the office of Port Warden of San Francisco, Henry Bush, Sen., vice Charles R. Street, removed, and ask the concurrence of the Senate therein.

LELAND STANFORD, Governor.

Mr. Soule moved to make the consideration of the above message special order for March thirty-first.

Mr. Gaskill moved to amend, by making it special order for Monday, March ninth, at half past eleven o'clock, A. M.

Upon which, the ayes and noes were demanded, by Messrs. Gaskill, Powers, and Crane, and taken, with the following result:

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Heacock, Kimball, Kutz, Nixon, Oulton, Parks, Pacheco, Porter, Powers, Rhodes, Shafter, and Warmcastle—18.

NOES—Messrs. Bogart, Burnell, Denver, De Long, Doll, Gallagher, Hill, Holden, Irwin, Lewis, Merritt, Perkins, Soule, Shurtleff, Van Dyke, Vineyard, Watt, and Williamson—18.

The vote being a tie, the President gave the casting vote in the affirmative.

Upon the adoption of the motion, as amended, the ayes and noes were demanded, by Messrs. De Long, Soule, and Holden, and taken, with the following result:

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Heacock, Kimball, Kutz, Nixon, Oulton, Parks, Pacheco, Porter, Powers, Rhodes, Shafter, Van Dyke, and Warmcastle—19.

NOES—Messrs. Bogart, Burnell, Denver, De Long, Doll, Gallagher, Hill, Holden, Irwin, Lewis, Merritt, Perkins, Soule, Shurtleff, Vineyard, Watt, and Williamson—17.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
March 5th, 1862. }

MR. PRESIDENT:—The Assembly to-day passed, with amendments, Sen-



ate bill No. 68, an Act to authorize the rebinding of books of the State Library.

W. N. SLOCUM,  
Assistant Clerk.

The Senate refused to concur in the Assembly amendments to Senate bill No. 68, above reported.

#### SPECIAL ORDER.

Assembly concurrent resolution No. 11, relative to sustaining the Federal Government, was taken up.

Mr. De Long moved to indefinitely postpone the whole subject matter.

Mr. Perkins offered the following amendment :

*Resolved*, That it is the duty of Congress to provide for the confiscation and liberation of every slave belonging to any person who has been in arms against the authority of the United States at any time since the present insurrection commenced, or who has, or who shall in any manner aid and abet in the present wicked and unjustifiable rebellion.

*Resolved*, That Congress has the constitutional right to raise and support armies, and to call upon all able bodied men who owe allegiance to the Government of the United States, of every color or condition, in this perilous crisis of our country, to take up arms for its defence ; and if the men who have been held by the rebels as slaves are found capable of bearing arms and performing efficient military service, it is the duty of the Government to arm and equip them and to employ their services against the rebels, under proper military regulations, description, and command.

*Resolved*, That Congress should grant to all such men who may enlist in the army, the pay, clothing, and subsistence of a soldier, and take steps for colonizing them at the end of their service, and also for colonizing others who may be confiscated, so far as it may be practicable, in some place or places of the Union where the climate is congenial to them, and where their condition may be improved.

*Resolved*, That all vacant and occupied lands held by States which have entered into an unconstitutional confederation for the purpose of making war upon the Union, should, by Act of Congress, be immediately confiscated to the United States, to be appropriated according to the discretion of Congress for the benefit of manumitted slaves, soldiers, and others of African descent, who should be protected, wherever lands are set apart for them, by a system of government appropriate to their condition.

*Resolved*, That the Governor be requested to send a copy of these resolutions to each of the Senators and Representatives in Congress of the United States, and also a copy to the President of the United States.

Mr. De Long moved to lay the whole subject matter on the table.

Upon which, the ayes and noes were demanded, by Messrs. Perkins, Watt, and Shurtleff, and taken, with the following result :

AYES—Messrs. Baker, De Long, Hathaway, Holden, Merritt, Powers, and Williamson—7.

NOES—Messrs. Banks, Bogart, Burnell, Chamberlain, Crane, Denver, Doll, Gallagher, Gaskill, Harriman, Heacock, Hill, Irwin, Kutz, Lewis,

Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, and Watt—29.

Upon adopting the amendment offered by Mr. Perkins, the ayes and noes were demanded, by Messrs. Perkins, Watt, and Gallagher, and taken, with the following result :

AYE—Mr. Perkins—1.

NOES—Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Crane, Doll, Gallagher, Gaskill, Harriman, Heacock, Kutz, Nixon, Oulton, Parks, Pacheco, Porter, Powers, Quint, Rhodes, Soule, Shurtleff, Van Dyke, and Watt—24.

Mr. De Long made a motion to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. De Long, Merritt, and Vineyard, and taken, with the following result :

AYES—Messrs. Baker, Denver, De Long, Holden, Merritt, Perkins, Powers, Vineyard, and Watt—9.

NOES—Messrs. Banks, Bogart, Chamberlain, Crane, Doll, Gallagher, Gaskill, Harriman, Hathaway, Heacock, Hill, Nixon, Oulton, Parks, Pacheco, Porter, Quint, Rhodes, Shafter, Soule, Shurtleff, and Van Dyke—22.

Mr. Merritt moved a call of the Senate.

Carried.

Messrs. Williamson and Thomas were absent.

Mr. Williamson appeared at the bar of the Senate, and was admitted and excused.

Further proceedings under the call were dispensed with.

The question was then taken upon the substitute offered by Mr. Denver.

Upon which, the ayes and noes were demanded, by Messrs. Perkins, Denver, and Chamberlain, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Denver, Holden, Irwin, Vineyard, Watt, and Williamson—8.

NOES—Messrs. Banks, Burnell, Chamberlain, Crane, De Long, Gallagher, Gaskill, Harriman, Hathaway, Heacock, Kimball, Kutz, Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, and Van Dyke—24.

Upon the question of adopting the substitute reported by a minority of the Committee on Federal Relations, the ayes and noes were demanded by Messrs. Perkins, De Long, and Heacock, and taken, with the following result :

AYES—Messrs. Burnell, Denver, De Long, Doll, Gallagher, Heacock, Hill, Holden, Irwin, Lewis, Parks, Quint, Shurtleff, Vineyard, Warmcastle, and Watt—16.

NOES—Messrs. Baker, Banks, Bogart, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Kimball, Kutz, Nixon, Oulton, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Van Dyke—20.

Mr. Van Dyke offered a substitute for the resolutions.

Upon its adoption, Messrs. Chamberlain, Parks, and Pacheco, demanded the ayes and noes, with the following result :

AYES—Messrs. Burnell, Chamberlain, De Long, Doll, Gallagher, Gaskill, Harriman, Heacock, Hill, Irwin, Kimball, Oulton, Parks, Pacheco, Porter, Rhodes, Shurtleff, Van Dyke, Vineyard, and Watt—20.

NOES—Messrs. Baker, Banks, Bogart, Crane, Denver, Hathaway, Holden, Kutz, Merritt, Nixon, Perkins, Powers, Shafter, Soule, and Warmcastle—15.

The substitute was then read first and second times.

Mr. Rhodes moved to suspend the rules and consider it now.

Upon which, the ayes and noes were demanded, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, De Long, Doll, Gallagher, Gaskill, Harriman, Heacock, Hill, Kimball, Kutz, Nixon, Oulton, Parks, Pacheco, Porter, Powers, Rhodes, Soule, Shurtleff, Van Dyke, and Watt—24.

NOES—Messrs. Baker, Bogart, Denver, Hathaway, Holden, Irwin, Lewis, Merritt, Perkins, Shafter, Vineyard, Warmcastle, and Williamson—13.

So the motion to suspend the rules was lost, and the substitute was placed on file.

On motion of Mr. Hill, at two o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, March 7th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Banks presented certain accounts of Hugh McConnell, against the State Marine Hospital.

Referred to the Committee on Claims.

## REPORTS.

Mr. Powers, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 192, an Act to amend an Act entitled an Act to regulate

proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 109, an Act to provide for the construction of a wharf at a point designated, upon the southerly bank of the San Joaquin River;

Also, substitute for Senate bill No. 172, an Act for the relief of purchasers of Swamp and Overflowed and Salt Marsh and Tide Lands;

Also, substitute for Senate bill No. 147, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and fifty-one;

And report the same correctly engrossed.

POWERS, of the Committee.

Mr. Porter, from the Committee on Enrolment, made the following reports:

Mr. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled, Senate bill No. 47, an Act in relation to public roads in the County of Amador, and the road fund of said county;

Also, Senate bill No. 155, an Act to amend an Act to incorporate the Town of Eureka, approved April ninth, eighteen hundred and fifty-nine;

Also, Senate bill No. 161, an Act to transcribe certain records of the County of Shasta;

And this day, March sixth, eighteen hundred and sixty-two, at half past eleven o'clock, delivered the same to His Excellency the Governor, for his approval.

GEO. K. PORTER, Chairman.

Mr. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled, Senate concurrent resolution No. 16, relative to a mail route to China and Japan;

Also, Senate concurrent resolution No. 5, relative to ocean mail between San Francisco and Crescent City;

Also, Senate concurrent resolution No. 15, relative to locating certain sections of public lands;

Also, Senate concurrent resolution No. 14, relative to assuming the collection and payment of the direct tax;

Also, Senate concurrent resolution No. 27, relative to overland mail service;

Also, Senate concurrent resolution No. 31, relative to mineral lands;

Copies of the above resolutions were sent to the proper departments at the time of their adoption, but were not sent to the Enrolling Clerk to be enrolled, for the reason that the Senate had not established their permanent rules.

GEO. K. PORTER, Chairman.

Mr. Parks, from the Committee on Claims, made the following report:

Mr. PRESIDENT:—The Committee on Claims have had under consideration Senate bill No. 225, being the claim of William J. Paugh, late Sheriff of the County of Amador, for lost foreign miners' licenses, and report the same back and recommend that the bill be indefinitely postponed;

Also, Senate bill No. 134, being for the payment of the claim of George



E. Drew, for services as Surveyor, for running a line between Calaveras and Stanislaus Counties, and report the same back, with a substitute bill authorizing Calaveras to pay two hundred and seventy dollars, and Stanislaus nine hundred and eighty dollars, and recommend the passage of the substitute ;

Also, Senate bill No. 206, being a claim of William H. Tillinghast, to pay the cost of defending suits to recover back money for the payment of stamps, and report the same back, with the recommendation that the same be indefinitely postponed ;

Also, the resolution allowing Thomas H. Loher for per diem during his trip to and from Mono, in the contested election case, and report the same back, with an amendment, and recommend the passage of the resolution, as amended—striking out “two hundred and ten,” in the second line, and insert “one hundred and five ;”

Also, the claim of H. C. Stockton, for Sheriff's posse, in the County of Shasta, in quelling Chinese riots in that county, amounting to one thousand three hundred and eight dollars and fifty cents, and report the same back, with a bill, with the recommendation that Shasta County pay the expenses, and recommend the passage of the bill ;

Also, Assembly bill No. 142, an Act for the relief of George W. Nixsen, and report the same back, and recommend that it be referred to the Judiciary Committee ;

Also, the claim of Daniel O'Regan, for moneys expended by him in service of the State, and report the same back, and recommend that it be rejected.

PARKS, Chairman.

Mr. Chamberlain, from Special Committee, made the following report :

MR. PRESIDENT :—The undersigned, Special Committee, to whom was referred Senate bill No. 217, an Act supplemental to an Act entitled an Act to annex a portion of San Joaquin County to Stanislaus County, approved February seventeenth, eighteen hundred and sixty, have had the same under consideration, and beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

All of which is respectfully submitted.

MERRITT,  
CHAMBERLAIN.

Mr. Banks, from the San Francisco delegation, made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 253, an Act amendatory of and supplementary to an Act to regulate the fire department of the City and County of San Francisco, passed March twenty-fifth, eighteen hundred and fifty-seven, and the several Acts amendatory thereof, having considered the same, report it back, and recommend its passage.

BANKS, for Delegation.

Mr. Gaskill, from Special Committee, made the following report :

MR. PRESIDENT :—A Special Committee, consisting of the delegation from Butte and Plumas, to whom was referred Senate bill No. 103, beg

leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

GASKILL,  
IRWIN.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER.  
March 5th, 1862. }

Mr. PRESIDENT :—The Assembly on the third instant passed Assembly bill No. 148, an Act to extend the provisions of an Act concerning hogs running at large, approved April twenty-first, eighteen hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine;

Also, on the third instant passed Assembly bill No. 166, an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte.

W. N. SLOCUM,  
Assistant Clerk.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Parks, for an Act to pay the claim of Eugene Lies for translating the State laws of the twelfth session of the Legislature.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Lewis, for an Act to amend an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' license taxes, in said county, approved February twenty-sixth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Harvey, for an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the officers thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Soule, for an Act to regulate the fusion of joint stock associations.

Read first and second times, and referred to the Committee on Corporations.

Also, for an Act authorizing the Board of Supervisors of the City and County of San Francisco to examine certain claims.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Shafter, for an Act to amend an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and an Act amendatory of and supplementary to an Act approved April nineteenth, eighteen hundred and fifty-nine.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Rhodes, for an Act concerning the amendment and repeal of statutes.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to enable the Attorney-General to employ a Clerk.

Read first and second times, rules suspended, considered as in Committee of the Whole, reported without amendment, rules further suspended, considered engrossed, read a third time, passed. Forty-Fifth Rule suspended, and Secretary directed to transmit to the Assembly.

Also, for an Act to establish Pounds in the County of Santa Clara.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

By Mr. Watt, an Act granting certain privileges to citizens of Grass Valley, Nevada County.

Read first and second times, and placed on file.

By Mr. Holden, for an Act to authorize J. W. B. Reynolds to dispose of certain real estate.

Read first and second times, and placed on file.

By Mr. Rhodes, for an Act to amend sections one hundred and ninety-three and one hundred and ninety-four of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. De Long moved to take up the resolution directing the Military Committee to report immediately.

Carried.

On motion of Mr. Gaskill, the resolution was indefinitely postponed.

#### GENERAL FILE.

Senate bill No. 133, an Act to provide for the pay of Captains who have recruited and raised companies for the regiments of volunteers of this State, under the requisition of the President of the United States, and who are now actually in service of the United States under commission from the Governor of the State—recommitted to Committee on Military Affairs.

Senate bill No. 37, an Act to divide the State into Congressional Districts, and to provide for electing Representatives to Congress—ordered to top of file for Tuesday, March eleventh.

Senate bill No. 78, an Act to establish a municipal or inferior Court in the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco.

On ordering the bill to be engrossed, and read the third time, the ayes and noes were demanded, by Messrs. Banks, Merritt, and Soule, and taken, with the following result:

AYES—Messrs. Baker, Chamberlain, Gaskill, Harvey, Hathaway, Heacock, Irwin, Lewis, Merritt, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Warmcastle—16.

NOES—Messrs. Banks, Denver, De Long, Doll, Gallagher, Holden, Nixon, Oulton, Parks, Pacheco, and Watt—11.

Senate bill No. 106, an Act to authorize the Board of Supervisors of each county in this State to license certain places of amusement.

On ordering the bill to be engrossed, and read a third time, the ayes and noes were demanded, by Messrs. Banks, Pacheco, and De Long, and taken, with the following result:

AYES—Messrs. Banks, Chamberlain, De Long, Heacock, Kutz, Oulton, Parks, Pacheco, Powers, Rhodes, Soule, and Van Dyke—12.

NOES—Messrs. Baker, Bogart, Denver, Doll, Harriman, Hathaway, Holden, Irwin, Lewis, Merritt, Perkins, Porter, Quint, Shafter, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—19.

Substitute for Senate bill No. 93, an Act to provide for a gradually increasing tax upon Mongolians in this State—was ordered to top of file for Tuesday next, March eleventh.

Senate bill No. 222, an Act concerning fees in office in certain cases in the County of Tehama, and to consolidate certain offices—committee amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 108—was placed at foot of file.

Senate bill No. 92, an Act to fix the compensation of the Board of Supervisors of the City and County of San Francisco—was indefinitely postponed.

Senate bill No. 178, an Act supplemental to an Act to provide for the reclamation and segregation of Swamp and Overflowed and Salt Marsh and Tide Lands, donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one.

Mr. Parks offered the following amendment:

Add to section one—"Provided, further, that the salaries of Commissioners, and all general expenses not properly chargeable to a particular district, shall be paid from the Swamp Land Fund; and upon the final reclamation of a district, the Commissioners shall ascertain the amount of such expenses properly chargeable to the tract of land so reclaimed, and certify the same to the Controller, whereupon such amount so ascertained shall be transferred by the Treasurer and Controller from the fund of the district to the Swamp Land Fund."

Adopted.

Also, the following amendment, as section eight:

"If any person shall at any time, or in any manner, lower or alter any levee, to facilitate crossing, or shall cut, destroy, or in any other manner whatever injure or destroy any levee, or tide-gate, or embankment, or other work constructed for the purpose of reclamation, or in any manner whatever diminish the height, width, or strength, of any levee or embankment of a district, or cross levee within a district, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than ten days nor more than six months, or by both such fine and imprisonment; and in every case of conviction, the sum of fifteen dollars shall be charged as costs, and be paid to the prosecuting Attorney for his own use; and all fines collected under this Act shall be paid into the levee fund of the district."

Adopted.



Mr. Rhodes offered the following amendment: In section four, lines ten and eleven, after the words "county and," insert "which is situated." Rejected.

Mr. Heacock, from the Committee on Public Buildings, made the following report:

MR. PRESIDENT:—The Committee on Public Buildings, to whom was referred Senate bill No. 77, an Act to provide for the erection of a State Prison at or near the Town of Folsom, in the County of Sacramento, have had the same under consideration, and report it back, with the accompanying amendments, and recommend its passage, as amended.

HEACOCK, Chairman.

Amendments proposed by the Committee:

1. Insert in blank in line seven, page one, the word "one."
2. Insert in blank in line twelve, page one, the word "three."
3. After the word "purchase," in line fifteen, page one, insert "as against all parties claiming title thereto, except the Government of the United States."
4. Insert in blank in line six, page two, the figures "200."
5. Insert in blank in line seven, page two, the figures "50."
6. Insert in blank in line twenty-two, page three, the figures "40,000."
7. Insert in blank in line twenty-six, page three, the figures "40,000."
8. In the last line of the fifth page, strike out "one tenth," and insert in lieu thereof "one twentieth."
9. In the sixth line, page six, strike out the words "Monday of March," and insert in lieu thereof "day of July."

Mr. Rhodes was granted two days' leave of absence.

On motion of Mr. Merritt, at forty-five minutes past two o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 8th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Lewis was granted indefinite leave of absence.

## PETITIONS.

Mr. Parks presented a petition of Messrs. Mooney and Riley, for a duplicate School Land Warrant.

Referred to the Committee on Claims.

Mr. Hill presented a petition of Dr. Heiry of San Rafael.

Referred to the Committee on Claims.

Mr. Hathaway presented a petition of Richard M. Jessup, for transportation of arms, etc.

Referred to the Committee on Claims.

#### REPORTS.

Mr. Van Dyke, from the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—The Committee on Military Affairs of the Senate and Assembly were instructed by concurrent resolution to inquire into and report to their respective Houses what additional sea coast and harbor fortifications, if any, are necessary for the proper and complete defence of the State, and to make any recommendation in connection therewith that will insure the speedy and efficient construction of any batteries that it may be necessary for the State to erect.

In acting under these instructions, the Committee have confined their inquiries to the harbor and coast defences in and about the City of San Francisco, it being the centre of trade and commerce on the Pacific coast. It is the point where an attack would first be made, in case of a war with any naval power; and with none other have we anything to fear. In fact, if we may judge from the result of recent wars, in which maritime nations have been engaged, the contest would be narrowed down to a struggle to gain possession of this city; and we need not have much occasion to fear that any attempt would be made to invade the State from any other point.

In the war between the Allies and Russia, as an example, the whole force of the former was concentrated against Sebastopol and Cronstadt, as the two vital points of the Russian Empire.

This contest also furnished a powerful argument, if any were needed, in favor of harbor defences at the great commercial cities of our country. As far as the defence of this coast is concerned, it behooves us, at any cost, to prevent an enemy from entering the Golden Gate, with his vessels of war.

It being deemed not advisable to go into details, the Committee will simply say that additional batteries are considered necessary, at various points, to place the city and harbor in a state of security against approaches from the sea.

The General Government has in contemplation a system of permanent fortifications, but as yet only a portion of these works have been constructed. Under the most favorable circumstances it will require several years before they can all be completed, but in the meantime temporary batteries could be placed at the several points designed for these future permanent works, at comparatively small expense.

The Federal Government being now engaged in suppressing a formidable rebellion, calls upon the loyal States to co-operate in placing the coasts and harbors in a state of defence, and your Committee deem it to be the duty, as well as the interest of California, to respond to this call. The expenditures the State may make in the premises, will, no doubt, be refunded by Congress.

The Secretary of War, in a communication to the Governor of Maine, on this subject, says:

"I am directed by the President to assure your Excellency of his

readiness to avail himself of the means placed at his disposal by the loyal States, for the purpose of having the ports and harbors of the seas and lakes put in a condition of complete defence.

"The extent and character of such expenditures can only be determined by the proper officers of the Government, to whom these matters must be confined. Calls will only be made for such sums of money from the State Government, as may be required to perfect such works as may be authorized. The obligation of the State to furnish all the means required to make each work of defence perfect, will greatly facilitate the speedy completion of the several defensive works undertaken.

"The improvements, or fortifications, being made by the money of the State, on the first instance, as an advance to the General Government, in the nature of a loan, for the general defence of the country at large, there is every reason to believe that Congress would sanction what the State shall do in the premises, and provide evidence of indebtedness on the part of the General Government and for the reimbursement of the money within a reasonable period."

The Committee were informed that most of the labor required in the erection of batteries can be performed by the troops in the service of the United States, and that the General Government will supply the necessary arms and ammunition. It is expected that arrangements will be completed at an early day for casting cannon on this coast, as it is understood there can be abundant facilities furnished in this city for that purpose.

The Committee have been much aided in the performance of the duty assigned them, by Brigadier-General George Wright, commanding Department of the Pacific; Colonel De Russy, of the Engineers; and other officers connected with the service on this coast.

To carry out the object proposed, the Committee have prepared the two bills herewith submitted, and recommend their passage.

All of which is respectfully submitted.

VAN DYKE, Chairman.

Mr. Powers, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 227, an Act to authorize José Lorenzo de Jesus Maria Piña to sell real estate;

Also, Senate bill No. 197, an Act to amend section twenty-seven of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 190, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 191, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one; and report the same correctly engrossed.

POWERS.

Mr. Kimball made a report from the Committee on Elections.

On motion of Mr. Gaskill, it was withdrawn.

The Committee were instructed to report on Monday next.



Mr. Shurtleff, from the Committee on Mileage, made the following report:

MR. PRESIDENT:—The undersigned is directed by the Committee on Mileage to report forty-six dollars and eighty cents due Messrs. Hill, Nixon, Banks, Harvey, and Shurtleff, each, as mileage in travelling to and from the State Insane Asylum at Stockton, while in the performance of committee duties. The committee, therefore, recommend the adoption of the following resolution:

*Resolved*, That forty-six dollars and eighty cents, payable out of the Contingent Fund of the Senate, be allowed to Messrs. Hill, Nixon, Banks, Harvey, and Shurtleff, each, as mileage, while in the discharge of committee duties.

SHURTLEFF, Chairman.

Resolution adopted.

Mr. Pacheco, from the Committee on Public Lands, made the following report:

MR. PRESIDENT:—Your Committee on Public Lands have had under consideration Senate bill No. 54, an Act to amend an Act amendatory of and supplemental to an Act to provide for the sale and location of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections of land donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine, approved April twenty-second, eighteen hundred and sixty-one, and report the same back, together with several proposed amendments.

PACHECO, Chairman.

Mr. Crane, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 239, an Act for the relief of the heirs of Abram De Leeur, deceased, beg leave to report that they have had the same under consideration, report it back with an amendment, and recommend its passage as amended;

They have also considered Senate bill No. 262, an Act to amend an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine, and recommend its passage;

They have also had under consideration Senate bill No. 63, an Act for the relief of W. D. Sawyer, and report it back without recommendation;

They have also had under consideration Assembly bill No. 142, an Act for the relief of George W. Nexson, and recommend that it be indefinitely postponed;

They have also had under consideration Senate bill No. 195, an Act to authorize Mrs. Mary Comstock and her minor children, Bertha Comstock, John Felt Osgood Comstock, and George Comstock, to sell their homestead, and report it back without recommendation;

They have also considered Senate bill No. 247, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and recommend its passage;



They have also considered Senate bill No. 242, an Act to amend an Act to limit the term of leases, passed April twenty-first, eighteen hundred and fifty-one, and recommend that the same be indefinitely postponed;

They have also considered Senate bill No. 245, an Act amendatory of and to extend the provisions of an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty, and recommend its indefinite postponement.

A. M. CRANE,

For the Committee.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 7th, 1862. }

Mr. PRESIDENT :—The Assembly to-day passed Senate substitute for Senate bill No. 87, an Act to provide for the construction of a wharf at a point on the southerly bank of the San Joaquin River ;

Also, passed Senate bill No. 97, an Act for the relief of John T. Carey, late Treasurer of Klamath County ;

Also, passed Senate bill No. 135, an Act to enable the Mayor and Common Council of the City of Placerville to pay a certain claim to William J. Lewis, against said city ;

Also, passed, with amendments, Senate bill No. 163, an Act to provide for the construction of a wagon road from the Town of Visalia, in Tulare County, across the Sierra Nevada Mountains ;

Also, passed Senate bill No. 167, an Act to amend an Act entitled an Act to fix the terms of the County Court, and Court of Sessions, of the County of El Dorado ;

Also, passed Assembly bill No. 101, an Act to authorize the Board of Supervisors of the County of Contra Costa to transfer surplus moneys remaining in the Gilman Judgment Fund of the said county ;

Also, passed Assembly bill No. 165, an Act for the relief of William D. Shirley and others ;

Also, passed Assembly bill No. 171, an Act to amend an Act concerning District Court Reporters, for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one ;

Also, amended and passed Senate bill No. 158, an Act to amend an Act to regulate proceedings in civil cases in Courts of Justice in this State ;

Also, on the fourth instant, passed Assembly bill No. 147, an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County ;

Also, to-day, passed Assembly bill No. 182, an Act to provide for the election of Supervisors in the County of Napa.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER,  
March 7th, 1862. }

Mr. PRESIDENT :—The Assembly yesterday amended and passed Senate

bill No. 118, an Act concerning roads and highways in the County of Alameda;

Also, concurred in Senate concurrent resolution No. 34, relative to overland mail;

Also, passed Assembly bill No. 45, an Act to authorize the Guardian of certain minor children to convey their real estate;

Also, passed Assembly bill No. 170, an Act amendatory of and supplementary to an Act for the preservation of trout;

Also, passed Senate bill No. 184, an Act to authorize the Governor of this State to convey certain lands;

Also, passed Senate bill No. 18, an Act for the payment of expenses incurred in the suppression of Indian hostilities in the County of Humboldt.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER,

March 7th, 1862. }

MR. PRESIDENT:—The Assembly to-day refused to recede from its amendments to substitute for Senate bill No. 68, an Act to authorize the rebinding of books of the State Library, and appointed Messrs. Ames, Shannon, and Tilton of San Francisco, a Committee of Free Conference on the part of the Assembly on the disagreeing vote of the two Houses, and ask the appointment of a like committee on the part of the Senate.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Messrs. Denver, Oulton, and Harvey, were appointed a Committee of Free Conference on the disagreeing vote of the two Houses on Senate bill No. 68, above reported.

Senate bill No. 118, above reported, was referred to the Senator from Alameda.

Assembly bill No. 45, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 170, above reported, read first and second times, and referred to El Dorado and Placer delegations.

Senate bill No. 163, above reported, Assembly amendments concurred in.

Assembly bill No. 101, above reported, read first and second times, and placed on file.

Assembly bill No. 165, above reported, read first and second times, and referred to the El Dorado delegation.

Assembly bill No. 171, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 147, above reported, read first and second times, and referred to Sonoma delegation.

Assembly bill No. 182, above reported, read first and second times, and referred to the Napa delegation, with instructions to report on Wednesday, March twelfth.

The Assembly amendments to Senate bill No. 158, above reported, were concurred in.

Mr. Crane reported back Senate bill No. 118, and recommended that the Assembly amendments be concurred in.

The amendments were concurred in by the Senate.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Kimball, for an Act to create the County of Alturas, define the boundaries, and provide for the organization thereof.

Read first and second times, and referred to the delegations from Sierra, Yuba, Plumas, and Butte.

By Mr. De Long, for an Act supplementary to and amendatory of an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four, and all other Acts or parts of Acts amendatory thereof or supplementary thereto.

Read first and second times, and referred to a Special Committee of three.

By Mr. Hill, for an Act to grant H. J. Hay, Charles M. Baxter, William Kohl, and others whom they may associate with them, and their assigns, the right to lay a railroad track along certain streets in the City of Petaluma, and through a public road in the County of Sonoma.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Parks, for an Act to authorize the re-issue of a certain lost School Land warrant.

Read first and second times, and referred to the Committee on Claims.

By Mr. Van Dyke, for an Act to amend an Act amendatory of an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty.

Read first and second times, and placed on file.

By Mr. Chamberlain, for an Act to reincorporate the City of Stockton.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Doll, for an Act to grant the right of way to construct a toll bridge across Deer Creek, in the County of Tehama.

Read first and second times, and placed on file.

By Mr. Banks, for an Act concerning melodeons and other places of public amusements.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Hathaway, for an Act to authorize Philip G. Galpie, Guardian, to compromise claims, and convey real estate.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Crane, for an Act to amend an Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Denver, for an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Coloma, in the County of El Dorado.

Read first and second times, and placed on file.

## REPORT.

Mr. Denver, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled, Senate bill No. 81, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one;

Also, Senate bill No. 209, an Act relating to the interest tax of Siskiyou County;

Also, Senate bill No. 45, an Act for the relief of Peter Lothian, former Sheriff of Humboldt County;

Also, Senate bill No. 18, an Act for the payment of expenses incurred in the suppression of Indian hostilities in this State;

Also, Senate bill No. 138, an Act to provide for transcribing of the records of surveys in Sonoma County;

Also, substitute for Senate bill No. 38, an Act to authorize the State Treasurer to issue War Bonds;

Also, concurrent resolution No. 25, relative to the erection of a State Capitol;

Also, concurrent resolution No. 19, concerning index of Journals;

And, this day, March eighth, eighteen hundred and sixty-two, delivered the same to the Governor, for his approval.

A. ST. C. DENVER,

For Committee.

Mr. Porter offered the following resolution :

*Resolved*, That the Enrolling Clerk of the Senate be allowed an Assistant, at the same per diem as Copying Clerks, payable out of the Contingent Fund of the Senate.

Mr. Powers offered the following as an amendment :

*Resolved*, That the Committees on Enrolled and Engrossed Bills be authorized to appoint such Assistant Enrolling and Engrossing Clerks as they may deem necessary to perform the work, whose per diem shall be five dollars, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. De Long moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. De Long, Watt, and Shurtleff, and taken, with the following result :

AYES—Messrs. De Long, Doll, Gallagher, Harvey, Holden, Kutz, Merritt, Soule, Shurtleff, Warmcastle, Watt, and Williamson—12.

NOES—Messrs. Baker, Banks, Bogart, Chamberlain, Crane, Denver, Gaskill, Harriman, Hathaway, Heacock, Hill, Kimball, Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Quint, Shafter, Van Dyke, and Vineyard—23.

On the adoption of the resolution as amended, the ayes and noes were demanded, by Messrs. Doll, Powers, and Hill, and taken, with the following result :

AYES—Messrs. Banks, Chamberlain, Crane, Denver, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Kimball, Kutz, Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Shafter, Soule, and Van Dyke—22.



NOES—Messrs. Bogart, De Long, Doll, Gallagher, Holden, Merritt, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—11.

Mr. Gaskill offered the following resolution :

WHEREAS, A large portion of the Acts passed by the Legislature are private or local in their character, and whereas, the multitude of these local and private bills are expensive to the State, cumbersome to the statute book, and prejudicial to the general interests of legislation, therefore

*Resolved*, That the Judiciary Committee be instructed to investigate the following questions, and report thereupon to this Senate :

1. What would be the best method of reducing to the smallest possible limit, without injury to public interests, the number of local and private bills?

2. Would it be advisable to require, the reference of every private and local bill to a committee, whose duty it should be to consider whether the purpose could not be attained by a general law, or by an amendment to a general law?

3. Would it be advisable to require, by statute, that no private bill shall be introduced except in a printed form, and until a printed copy has been placed upon the desk of every member of each House; and that no local bill shall be entertained by the Legislature, or read by the Clerk, by title or otherwise, until the member introducing it shall present an affidavit that the bill has been published at least twice, at an interval of a week, in a local newspaper?

4. Would it be advisable to require, by statute, that no bill to authorize any individual or corporation to construct any road, ferry, bridge, or wharf, or to grant any exclusive privileges, until a printed copy of the bill be supplied to each member of both Houses, and until proof be furnished that the bill has been published twice, at an interval of a week, in some local paper?

Adopted.

Mr. Parks offered concurrent resolution, relative to the claim of Eugene Lies.

Referred to the Committee on Contingent Expenses.

Senate bill No. 270, an Act to provide for taking private property for public uses, in certain cases.

Read first and second times, placed on file, and ordered printed.

Senate bill No. 262, an Act providing for coast defences.

Read first and second times, placed on file, and ordered printed.

#### GENERAL FILE.

Substitute for Senate bill No. 56, an Act to protect the people of California against the maintenance of foreign paupers and alien criminals—was indefinitely postponed.

Senate bills Nos. 10 and 12—were placed on top of file, for Saturday, March fifteenth.

Senate bill No. 67, an Act providing for an Attorney and Counsellor for the City and County of San Francisco—was read third time, and passed.

Senate bill No. 77, an Act to provide for the erection of a State Prison,

at or near the Town of Folsom, in the County of Sacramento—was amended, ordered engrossed, and read third time.

Senate bill No. 103, an Act concerning jury trials in Butte County—was ordered engrossed, and read third time.

Senate bill No. 108, an Act to amend an Act to exempt the homestead and other property from forced sale, in certain cases, passed April twenty-first, eighteen hundred and fifty-one, and the several Acts amendatory thereto—was recommitted to the Judiciary Committee.

Mr. Oulton, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 178 ; and report the same correctly engrossed.

OULTON, for Committee.

Mr. Heacock introduced a bill for an Act relating to the City Cemetery of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Also, a claim of H. C. Kibbe.

Referred to the Committee on Claims.

Assembly bill No. 148, an Act to extend the provisions of an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, etc.

Read first and second times, rules suspended, read third time, and passed.

At forty minutes past two o'clock, P. M., on motion of Mr. Parks, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER, }  
Monday, March 10th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday last read, corrected, and approved.

#### PETITIONS.

Mr. Kimball presented a petition of citizens of Sierra County, in favor of present Attachment Law.

Referred to Judiciary Committee.

Mr. Oulton presented a petition of citizens of Siskiyou County, in favor of present Sunday Law, with amendments.

Referred to Committee on Public Morals.

Mr. Kimball, from the majority of Committee on Elections, made the following report:

Mr. PRESIDENT:—The undersigned, a majority of the Committee on Elections, to whom was referred the petition of Joseph M. Cavis, contesting the seat of the Hon. Leander Quint, as Senator for the Counties of Mono and Tuolumne, beg leave to submit their report:

In the investigation of this case, your Committee have endeavored to give to each of the parties a full, fair, and impartial hearing, and though a long time has elapsed since we entered upon our labors, it can scarcely be said that we could sooner have brought them to a close without doing injustice to the parties.

And aside from a desire on our part to be enabled to render an equitable decision as between the parties, we have felt that the principle involved in this contest was of such vital consequence and importance, that we could not, without fault on our part, fail to avail ourselves of all legal means whereby we might ascertain the facts in the case, and so be certain to come to a just and legal decision of the question in dispute.

To that end we have directed our efforts, and we now submit for your approval our finding of the facts in the premises, and for your examination the documentary evidence which has been produced in the case, together with the testimony of witnesses examined and cross-examined before us, which has in full been carefully written down by the Clerk of the Committee, and subscribed and sworn to by the respective parties giving it.

On the part of contestant, it is alleged that at the last general election held in this State, on the fourth day of September, A. D. eighteen hundred and sixty-one, he was a candidate for the office of State Senator in and for the Counties of Mono and Tuolumne, and that as a candidate for said office he received in the County of Tuolumne sixteen hundred and sixty-four votes, and in the County of Mono three hundred and seventy-two votes, making in the aggregate two thousand and thirty-six votes.

To this averment on the part of contestant, no denial is made by the respondent; the fact, therefore, as between the parties, is admitted, and from an examination of the documentary evidence before us, we find it so to be. That the said Cavis did, at the election and for the office aforesaid, receive, in the Counties of Tuolumne and Mono, in the aggregate, two thousand and thirty-six votes, which were duly returned, canvassed and counted, in his favor in said counties.

It is further averred that as a candidate for said office at the same election, the Hon. Leander Quint received, in the County of Tuolumne, fourteen hundred and sixty-seven votes, and was reported to have received in the County of Mono seven hundred and forty-one votes, of which number four hundred and six votes were returned as having been received by the said Quint at a voting precinct in said County of Mono, designated as the "Big Springs Precinct, White Mountain District," all which votes so returned in Mono County were counted in favor of the said Quint, making his vote in the aggregate in the two counties, two thousand two hundred and eight votes, whereas, by right, said four hundred and six votes, so returned as received by the said Quint at said Big Springs Precinct, should have been rejected from the enumeration of votes received by the said Quint in Mono County, which would have reduced his vote in the aggregate to eighteen hundred and two votes, and that said votes

should have been excluded, for this reason: That no election whatsoever was held on the fourth day of September, A. D. eighteen hundred and sixty-one, at any such precinct in Mono County, and that the returns of an election purporting to have been held at said precinct, and filed in the office of the County Clerk of Mono County, were in all respects illegal and fraudulent.

To this averment the respondent makes answer, that the charge that there was no election whatever held at said precinct, is unfounded, and that the charge that the returns from said precinct were in all respects illegal and fraudulent, is equally unfounded and unwarrantable.

This constitutes the main point in issue between the parties, and upon its correct determination depends the legal solution of the question submitted to the Committee.

Was there an election held at Big Springs Precinct, White Mountain District, in Mono County, on the fourth day of September, A. D., eighteen hundred and sixty-one, and were the returns filed in the office of the County Clerk of Mono County, and purporting to be the returns of said election, the true and genuine returns, as made by the officers conducting said election?

If an affirmative answer can be given to this question, the whole matter is indisputably determined in favor of the respondent, and the contestant has no cause of complaint whatsoever.

If, on the other hand, a negative answer must be given, then is it equally certain that the respondent is not entitled to the seat he now occupies, and that the contestant has, by a fraud, unparalleled in its conception and execution, even in the history of California elections, been deprived of an office to which he was fairly elected, by a plurality of two hundred and thirty-four votes, in the Counties of Mono and Tuolumne.

Your Committee would here remark, that upon the first day of our session, and the taking of evidence in the case, the contestant made request that the Committee would send for the original election returns of Big Springs Precinct, on file in the office of the County Clerk of Mono County; he claiming that an inspection of them by the Committee would be deemed to afford sufficient evidence whereby they would, without hesitation, determine in his favor the whole matter in dispute.

At his solicitation, the Committee made application to the Senate for the necessary power in the premises, and under a resolution adopted by the Senate, sent process of subpoena to Mono County, the main object of which was to procure the election returns from Big Springs Precinct; and to this end the County Clerk of Mono County, Wilson, was summoned to produce those returns before this Committee. One Loher was authorized, under the resolution, to execute the subpoena. Four witnesses in all, were summoned and appeared before the Committee, but the returns sent for were not produced.

As an excuse for not producing the returns, Wilson, the County Clerk, gave testimony tending to show that the returns were lost, either at Sacramento, or after leaving there for this city.

The testimony of Wilson on this point, as also that of Loher, Cavis, and Coffroth, has been taken and is herewith submitted.

Without now recapitulating the evidence in detail, it is sufficient to say that a majority of your Committee have come to the conclusion, and find as a matter of fact that said returns never were delivered to Loher, but, if not wilfully destroyed, must have been lost by Wilson.

From the documentary evidence before us, we find that on the twenty-sixth day of August, eighteen hundred and sixty-one, there was hand-



ed to the Board of Supervisors of Mono County, what purported to be a petition executed at Big Springs Camp, White Mountain District, and signed by five persons, to wit: William Graves, James Kittrell, John Campton, L. Thompson, and B. K. Murry, asking that a voting precinct might be established at that place. This petition appears to have been acted upon by the Supervisors, a precinct established, and officers appointed, to wit: Cralle as Inspector, and William Graves and James Kittrell, two of the petitioners, as Judges of election.

It does not appear who presented this petition to the Board of Supervisors, nor does it appear that any of the petitioners, nor any person residing in the vicinity from which the petition appeared to emanate, were ever notified that a precinct had been established at the place designated. No notice of the establishment of this precinct appears to have been given by the Supervisors, by the posting of notices, or otherwise, and from the evidence before us we are induced to believe that no such notice was ever in fact given.

By the evidence of R. M. Wilson, Clerk of Mono County, this petition appears to have remained on file in his office until about the last week in September, a short time after the certificate of election was issued by him to Judge Quint; at which time, T. M. Machin, Assemblyman from Mono County, was engaged in taking a copy of it, and since then he has not been able to find it, although he has made diligent search therefor.

It further appears, by the evidence of said Wilson, that the package which, on being opened, was found to contain what purported to be the election returns from Big Springs Precinct, was received by him on the evening of the tenth day of September, from a party who was an entire stranger to him, who gave his name as R. C. Boling, and made oath that he received the same from Selby, Clerk of the election; and that said election returns, comprising the tally list and poll book, upon blue colored paper—the poll book being composed of strips of about half the width of a half sheet of paper, split lengthwise, and which strips were fastened together with a pin.

From the evidence of E. Green it appears that during the months of August and September last he was a member of the Board of Supervisors of Mono County, and, together with one Charles Worland, was acting as such on the twelfth day of September, eighteen hundred and sixty-one, at which time the Board was in session for the purpose, among other things, of canvassing the votes cast in the county, at the election of September fourth, eighteen hundred and sixty-one; that at said meeting, upon the opening of the election returns purporting to be from the Big Springs Precinct, said Green objected to said Big Springs returns being received or canvassed, and that they never were, in fact, to his knowledge, canvassed or allowed by the Board; that he took exceptions to the papers and left the Board, and that after that they were counted or included by the Clerk.

It also appears from the evidence of said Green, that the tally list was written on blue paper, and that the names of the voters were written upon strips of paper of the same color, which were fastened together at the top with a pin; that he had examined all the papers filed in the County Clerk's office pertaining to this precinct, and did not know any persons in Mono County of a similar name to those appearing either upon the petition for a precinct, or signed to the returns, as officers of election, and that he could only designate from all the persons returned as voters, some half dozen surnames, and but one full name of parties of whom he had ever heard in Mono County.

From the evidence of John Ross, it appears that from about the first of May, eighteen hundred and sixty-one, until the first of December last, he was a resident of Mono County; and that from about the sixth day of March, until about the first day of July, he was engaged in prospecting in a range of mountains designated as the White Mountains, situated in a southeasterly direction from Aurora, distance therefrom, by the usually travelled trail, about fifty miles. That during a portion of that time he was in company with Colonel Crawley, William Graves, A. Rost, Daniel Wyman, and other parties, whom he names, and was located at a place named by them Rost's Valley, near the summit of the White Mountains; that while located at that place, they, about the first of June, formed a mining district, and named it the White Mountain District, and defined its boundaries; its southern being the fording of Owens' River; and its northern, a line across the mountains, some twenty-five miles above the point where they were located at the time they formed said district, its eastern and western boundaries being the desert on the east, and the immigrant road on the west. That they, at that time, elected their district officers; Colonel Cralle, as Recorder; and William Graves, as President; and D. W. Van Dyke, as Secretary. And that their Recorder or Secretary was to have the proceedings published in the Silver Age, a newspaper published at Carson City, Nevada Territory, but whether they were so published or not, he did not know, never having seen a number of the paper in which the same was published.

A copy of this paper, of date June sixteenth, eighteen hundred and sixty-one, containing the notice of the establishment of this White Mountain District, has been filed in the case, as confirmatory of the testimony of Ross.

It further appears, from the testimony of said Ross, that when he left the White Mountains, he left a portion of his company there; that the only places where they could get provisions or supplies, in the county, was at Aurora or Mono; and that a few days after the September election, two of these miners came up to Aurora for provisions, to wit: William Graves and David Wyman; and that from an examination of the list of voters returned from Big Springs Precinct, he finds the name of but one person in Mono County of a similar name to any of those on the said list; and he knows of no person of a name similar to those appearing upon the returns as officers of election.

From the testimony of C. O. Richardson, it appears that he and three other persons left Monoville about the first of August, to visit the White Mountains, prospecting; that during his visit there, he passed up and down the west side of the mountain, prospecting up the various ravines that came out from the mountains, for a distance of some fifty-five miles, extending northerly along the west side of the mountains towards the fording of Owens' River; and that he also prospected up the mountain from Owens' River, for a considerable distance; also, passed on the summit of the mountain, and prospected in different places upon the eastern slope, for four days; that during all the time they were there they were prospecting about in various places, for quartz, and that they returned to Monoville on election day, September fourth, eighteen hundred and sixty-one, and voted there. That during the entire trip in the White Mountains, he did not see more than a dozen men, and that three of those were engaged in tending stock in Owens' River Valley, and two were travellers upon the Visalia wagon road, going into Monoville.

From the testimony of T. N. Machin, Assemblyman from Mono County, it appears that, in company with two other persons, he left

Monoville about the middle of June, to prospect in the White Mountains, and with the exception of a few days, remained there until the middle of July. That during that time he travelled and prospected along the western side of the mountains, from a point some ten miles below the Lone Pine, so called, near the fording of Owens' River, nearly to the northern end of the mountain, a distance of some sixty miles. That he also, from the southerly point of his prospecting, on the western side of this mountain, proceeded up a large ravine leading to the summit of the mountain, passed on to the summit, and prospected about in various gulches running easterly from the summit, for several days. That in one of the gulches he found a quartz lead which had been prospected a little, and near by, a notice posted, claiming the place for mining purposes, the notice being dated White Mountain District. That at another time during his trip he travelled nearly to the northern extremity of the mountain range, and about through the various gulches and places promising most favorably for quartz. That during all the time he was in the White Mountain range, he met less than a dozen different persons besides Indians, and saw but very little indication that labor or prospecting had been done, or that parties had visited or travelled through the mountains before him.

From the testimony of B. S. Mason and B. F. McCormack, it appears that they, in company with five other persons, visited the White Mountains on a prospecting expedition. That they left Aurora about the twenty-second day of July, and were absent from sixteen to eighteen days. That they passed down to near the west base of the White Mountains, then travelled northerly to a pass in the mountains near the northerly end, and crossed over to the east side of the mountains; then travelled easterly across the desert bounding the White Mountain range on the east, prospecting in the hills upon the easterly side of said desert; then returned to White Mountain range, passing southerly down the range for some thirty miles, to what is designated as Cottonwood Creek, near the head of which is Rost's Valley, and the quartz claim where Cralle, Graves, Wyman & Company are shown to have been prospecting, both shortly before and shortly after the September election. That in their prospecting tour through the White Mountains, they met only one party of white men, Wilson and Company, composed of some twelve persons in all. That they knew the persons comprising the company as residents of Aurora, and that on their return to Aurora they found that Wilson and his company had returned before them. That during this trip through the mountains, they found but little sign that parties had passed about the mountains before them; such signs consisting solely of here and there the track of a shod horse or mule, two or three places where there had been some picking done, in the vicinity of quartz ledges, and places where there had previously been camp fires.

It further appears, from the evidence of the said Mason, and N. M. Orr, Assemblyman from Tuolumne County, who visited Mono County in company with the contestant, that they, in company with one Charles W. Shultz, visited the White Mountain in the month of October, leaving Aurora on the second Saturday in the month, and were absent for one week from the next Sunday. That they visited it for the express purpose of ascertaining what parties were in the mountains, whether any election was held there on the previous fourth of September, and whether the petition which had been presented to the Board of Supervisors of Mono County, asking for a precinct, had been sent up from that locality. That upon their trip they approached the western base of the White



Mountains, near the foot of the Hot Springs Valley, then travelled northerly, along the west base of the mountains, for nearly half a day, to the pass through which Mason had passed in his former trip, then crossed over to the east side of the mountain, and passed down its eastern base some thirty miles, to Cottonwood Creek, and up the same to near its head, where they found Cralle's camp, so called. At this place found William Graves, Daniel Wyman, and a man by the name of Morrison, and another person, name not known; found them building an arastra, and prospecting a quartz ledge. From there they journeyed south, to the summit of the mountains, to Rost's Valley and Wyman's Cañon, and across ravines making down the eastern slope of the mountains, crossed the summit, and found a trail which led down to the west base of the mountains, near some springs, some half a dozen miles northerly from the fording of Owens' River, and south some ten miles from the Lone Pine. At this place met Colonel Cralle and another man, partner of Graves and Wyman. From there they journeyed northerly, sometimes near the base of the mountain, and sometimes in the desert bounding it on the west, till they reached Hot Springs Valley, thence to the Adobe Meadows, Colonel Cralle and his partner accompanying them thus far, going out to Monoville for provisions, and thence to Aurora. That during the entire trip they saw only five white persons, besides the members of Colonel Cralle's company, and they were travelling with animals upon the immigrant road in the desert, to the west of the White Mountains. That the only signs they saw during their trip of persons having preceded them, were a few places where small holes had been sunk, or some little picking done near quartz lodes in the cañon through which they crossed the mountain, near its northerly end, and upon Cottonwood Creek, and in the vicinity of Cralle's camp. That they saw no indications of there having been any considerable number of parties through any portion of the mountains before them, they only finding a few places where there had been camp fires, and where a few shod animals had passed along in some of the Indian trails.

From the testimony of the said Machin and Orr, it further appears that the tally list from Big Springs Precinct was made out upon a sheet of blue colored foolscap paper, and that the poll book was made out upon the same kind of paper, in narrow slips, the sheets being cut lengthwise into four pieces, and the pieces pinned together at the top with a pin.

It further appears, from the cross-examination of the said Machin by the respondent, that said election returns appeared to be made out in one handwriting; that he formed that opinion from an examination of the papers, and that he has seen no reason to change his opinion; that there was two styles of writing—one was heavy, and the other open and light; that there was a great similarity between them; that there appeared to be a design to disguise the signatures.

It further appears from the evidence of the said Machin, that at the time mentioned in the testimony of Wilson he made a copy of the original petition on file in the County Clerk's office, asking for a voting precinct at Big Springs Camp, White Mountain District; that after he copied it he handed it back to the said Wilson, and that he, the said Wilson, took it and put it back in a bundle of papers from where he took it, and that he (Machin) has never seen it since.

It further appears, from the evidence of B. S. Mason, B. F. McCormack, C. J. Brown, and other witnesses offered on the part of the contestant, all residents during the last summer in Mono County, that they never



knew or heard spoken of in Mono County men of similar names to those signed to the returns as officers of election. Nor does it appear that any of them have ever known to exceed half a dozen each of persons in Mono County with similar names to those which appear returned from the Big Springs Precinct as voters.

It further appears, from the evidence of nearly all of the witnesses examined, both on the part of the contestant and respondent, that the only places or camps in Mono County during the past summer and fall where provisions or miners' supplies could be obtained, were Monoville and Aurora, each of which places were distant from the White Mountains, by the trails usually travelled, about two days journey with riding animals.

It further appears, from the evidence of contestant's witnesses, those already mentioned and others whose evidence need not be given in detail, that during the summer, prospecting parties were occasionally leaving both Aurora and Monoville to visit different localities in the county, the White Mountains and other places. That some time in July a very great excitement broke out, relative to gold and silver discoveries having been made in the county, that induced several hundred persons to leave Monoville and Aurora to go out prospecting. The place where these discoveries were made seems not to have been very well defined, but by most of the witnesses it is stated that Walker's Lake or the Sink of Walker was the place generally designated as where the discoveries had been made. The witnesses, however, admit that the White Mountains were spoken of. That about this time some few parties went to the White Mountains, prospecting; that the excitement continued from two to three weeks, and that parties who had left began to return in from six to eight days, and continued daily so to do; that several parties who left at the time of the excitement were not known by the witnesses to have ever returned, nor was it known by them where they went, or what afterwards became of them.

On the sixth day of February there was examined before the Committee one J. A. Bostwick, who testified that last summer he resided in Monoville, Mono County; that he was at work for Mitchell & Poor; that four or five days after the election he was present at a building one half or three fourths of a mile from Mono Lake; that no one was living at the building; that there were but two persons present; that the other person besides himself was named J. Worthington; that at that time and place he saw election returns, purporting to be of the White Mountains; that he saw them made out; that the election returns were made on blue foolscap paper, the sheet laid open; that there were names signed to those returns as the officers of election; that he saw them signed at that place; that he remembered some of the candidates for office who received votes, naming them, viz: McConnell for Governor, George Evans for Clerk of the Supreme Court, Quint for the Senate, Davis and Mitchell for the Assembly, and others, but that he did not recollect the names of all of them positively; that a list of voters was made out on the same kind of paper; that the paper was folded up and cut along the sides, and pinned at the top; that each whole sheet made four pieces, and that the paper was cut lengthwise; that he afterwards saw these returns at Mitchell & Poor's store, in Monoville; that they were afterwards given to Pete Able to take to Aurora; that he has never seen them since; that he would be able to tell them if he were to see them again; and that being asked whether those returns were ever carried to Aurora, that he has not seen them since.

Upon the twenty-sixth day of February, this witness was again before

the Committee—called to examine the envelope sworn to by Wilson, as being the one which enclosed the Big Spring Precinct election returns at the time they were filed in his office.

It appeared, from the examination of this witness, that he had never known the contestant until he came before the Committee; that the said envelope had not been shown him since it was brought to this city. On examining the envelope, the witness stated that he had seen the paper before; that he recognized the handwriting; that it was the same paper in which was enclosed the election returns which he saw made out at the house near Mono Lake; that it was at that time put around the returns and sealed up; and that the address, "R. M. Wilson, County Clerk, Aurora, Cal.—Election Returns," was then written upon it; and that he recognized the same as the handwriting of S. Worthington. This witness also stated that said envelope, (which appears to be a sheet of writing paper,) was stuck together with paste made of flour and water.

On the part of the respondent there were sworn and examined a number of witnesses, and we submit the following as an abstract of their testimony:

R. M. Wilson, recalled.—Stated that he was present at the meeting of the Board of Supervisors at the time the returns of the election of September fourth, eighteen hundred and sixty-one, from the several precincts of Mono County, were opened and examined; that Mr. Green and Mr. Worland were the only members present; that the returns were opened and examined; that the Supervisors directed him to make out a tabular statement; that they then adjourned until the next day; that in the meantime he made out the statement, and at their meeting the next day, presented the same to the Board, and they declared the officers elected, and directed him to issue certificates; that the proceedings of the Board were generally approved in the morning of the succeeding day; that in this instance the proceedings were all written up and approved the day they adjourned.

This witness further stated that he had examined the list of voters at Monoville, filed in his office, of the last election, and that he found the name of no such person as Richardson upon said list; nor did he find the name of Dan. Johnson; neither could he tell whether there was a Thomas Kennedy on said list or not; that the returns from the Big Spring Precinct were called and canvassed in the same manner as the other returns from the different precincts of the county, and were made a matter of record in the same manner. Thinks the tally list was made on a sheet of blue letter paper.

Upon the cross examination of this witness, he stated that when the returns from Big Spring Precinct were opened, Mr. Green at first made objection to them, or their being counted in; that he at first raised some objection to their being counted, but afterwards, as the witness understood, he agreed to it; that he did not know that Green, at any time after he had raised objection to their being counted, directly gave his consent to their being counted; that he understood the Board to consent to their being counted, or he would not have made out the statement in the manner he did.

This witness examined the Monoville poll list of September fourth, eighteen hundred and sixty-one, and it appeared thereby that the name placed opposite Number one hundred and eleven, was C. O. Richards; that opposite one hundred and twelve, T. V. Johnson; that opposite one hundred and thirteen, J. M. Stith, and that opposite two hundred and fifty, J. Bostwick. We find, from a further examination of this poll list,

that opposite to Number one hundred and nineteen is written the name of T. M. Kennedy, and opposite to Number one hundred and twenty-eight, the name of S. C. Franklin.

Wilson further testified, that the certified copy of the election returns are in the handwriting of Mr. Cavis; that upon certifying to it, he compared it with the original on file; and that they counted the number of tallies, of five each, upon each line, set opposite to each name, and they so compared all the lines of tally marks upon the paper.

From the testimony of Willard Whipple, it appeared that he had been a resident of Mono County since September, eighteen hundred and fifty-nine, the winter seasons excepted; that he had resided the most part of the time a short distance from Monoville; that during the month of July last, there was quite an excitement about discoveries made at Walker's River; that he went out, in that excitement; that he left about the commencement of it; went to Walker's Lake, Carson Lake, and Walker's River; returned to Monoville on the last day of July, having been absent from home between two and three weeks; that near Walker's Lake, he found a large number of men prospecting about; estimated their number at seven or eight hundred; that none of them had made any discoveries; that he did not know where these men were on election day; that Walker's Lake was some fifty miles from Aurora; that there was also an excitement about the White Mountains; had been a string of excitements existing; some when he left the county; did not know of many going there; that the population of Monoville was larger in June than it was in September; that from an examination of the poll list of Big Springs Precinct, he could only discover the names of some half a dozen persons whom he had heard of in Mono County.

From the testimony of Solomon Carter, it appeared that he had resided in California since eighteen hundred and forty-nine, and had resided most of the time in Monoville since October, eighteen hundred and fifty-nine; that he had been engaged in packing and trading; that some time last summer (could not tell the month) there was a great excitement about Walker's River and in White Mountains; should think nearly one half the population of Monoville left at that time; sold goods to go to the White Mountains, as he was told by the parties purchasing; saw parties at Monoville soon after the election, who represented that they were from the White Mountains; understood that it was Colonel Cralle's party; sold them some acid, and sold them some goods; knew a man at Monoville by the name of Charles E. Preble; he was never employed on wages in witness' store; was about the store a great deal, most every day; sometimes assisted.

The excitement at the White Mountains was mostly after the Walker's River excitement, and before the September election; never knew but very few persons, with whom he was acquainted at Monoville, who left at the time of the Walker's River or White Mountain excitement, to return to Monoville again; don't know what became of them.

From the testimony of L. O. Stearns, it appears that he is an Attorney at law, residing in Aurora, Mono County; went there about the middle of April, eighteen hundred and sixty-one; knows of a great excitement about gold discoveries, reported as having been made at Walker's Lake; first heard of it about the middle of July; there was also an excitement about the White Mountains; had been existing for a long time; commenced before the first of June; was in existence when I left to come over here; saw specimens from Mr. Graves, said to have come from the White Mountains, and thought them very good; estimates the



difference in population of Aurora and vicinity, as being two hundred less in September, than in June; and that the population of Monoville was one hundred and fifty less in September, than in June; was in Visalia in June; parties were talking about leaving that place for Mono County; don't know when they went, those that did leave; saw the Big Spring election returns in the County Clerk's office at Aurora, one, two, three, or four days after the notice of contest was filed, between Cavis and Quint; his attention was not drawn particularly to the kind of paper they were written upon, but thinks it was the commonest kind of blue letter paper; never was employed by Judge Quint as Attorney, to appear for him in the taking of testimony in this case before the Commissioners at Aurora; did appear as an Elector, and filed his affidavit against the taking of any testimony; argued the case against Mr. Cavis; know R. E. Phelps; he is District Attorney of Mono County; think he did not appear with me before the Commissioners in the case against Judge Quint.

It also appears, from the testimony of L. A. Brown, Byrne E. Cox, S. C. Franklin, Albert Magary, Henry Beckett, and B. K. Davis, witnesses examined on the part of respondent, that during the months of July and August there was a great excitement relative to gold discoveries having been made in the vicinity of Walker's Lake; that some supposed it to be at the White Mountains; that many parties left at that time, estimated to be three or four hundred men from Aurora, and two hundred men from Monoville, and other parties from other localities; that shortly after the excitement commenced, some of the parties that left began to return, but that many were not known by the witnesses to have returned; some supposed to have gone to the White Mountains; did not know where the most of them were on election day. Each of these witnesses recognized upon the poll list some names of parties they had known in Mono County.

It further appears, from the testimony of L. A. Brown, that he went to Walker's Lake at the time of the excitement; saw a great many parties as he was travelling; thinks that one time and one place while he was there, there might have been polled, had there been an election, from two hundred and fifty to three hundred votes; saw at one time a dozen different parties of men travelling on a plain some twenty miles southerly from Walker's Lake—some going to one locality, some to another; did not appear to know where to go.

This witness further stated that he did not succeed in finding any mines, nor did he know of any being found by other parties; heard that some were found at White Mountains about that time; parties prospecting in the way they did, do not make any permanent improvement; merely left behind them indications of having been there; that he was gone from Aurora on this trip from eight to fifteen days; that it is not an unusual occurrence in mining communities for an excitement to spring up, like that in Mono County; that some time from the first to the twentieth of October, he saw the election returns of Big Springs Precinct in the County Clerk's office at Aurora; thinks, to the best of his knowledge, they were written on letter paper, short letter paper; thinks the vote of Aurora, from June to September, fell off two hundred votes.

From the testimony of S. C. Franklin, it appeared that he assisted in fitting out a party of nine persons to prospect in the White Mountains. This party went both to the White Mountains and Walker's River. Has known two excitements about White Mountains, one in eighteen hundred and sixty; had a claim that he paid assessments on in December, eighteen



hundred and sixty; has paid none since. Was in Aurora on election day. States that he never introduced Bostwick to Quint.

From the testimony of B. K. Davis, it appears that he had a conversation with Bostwick, in this city, during the adjournment of the Legislature in January; states that Bostwick, at that time, told him that he knew nothing about the case; it was in answer to his asking him what he knew about it. Knew S. C. Franklin, who lived in Monoville; saw him there on election day; does not know where parties went to, except from hearsay, who left on that excitement; the people of the county were charging about, going and coming nearly all of the time; the greater part of the people who left Mono left at the time the excitement first broke out; at that time sold goods to a party of about forty; this was about the twentieth of July last.

It also appears, from the evidence of Henry Bequett, that he had a conversation with J. Bostwick, in this city, about the time the Legislature adjourned; says that Bostwick told him he knew nothing about the matter at all, referring to the White Mountain election; also, had a conversation with him the day after he testified before the Assembly Committee; he appeared very angry at Quint and Davis; used abusive language about them; wanted to whip them; said he could not get any money from them; said he would knock Davis's arrangements in the head; that he was going before the Committee the next day. Witness also gives other conversations of a like character. This witness assisted to fit out a party at the time Walker's Lake excitement broke out; all parties went within two or three days; White Mountain excitement at the same time; was present at the time votes of Mono County were counted by Supervisors; the votes of Big Springs Precinct were counted the same as the others; the paper on which the returns were made out, he thinks, was blue letter paper; saw nothing about the returns to excite a suspicion that they were not *bona fide* returns; when the returns were opened, Green made some objection to them, but he afterwards gave way; Green and Worland were present all the time; I was there when Green objected to votes; remember Worland told him that they, the Board, had no alternative under the circumstances but to count the votes; that they were obliged to do so. Witness also gives other conversation of like import, occurring at the time.

A. Magary, a witness of respondent, is introduced, to show that Bostwick stated to him on Sunday, February twenty-third, that he was to have two hundred and fifty dollars for the testimony which he had given in this case. Stated that he and Bostwick passed the afternoon at a saloon, drank five or six glasses each of lager beer, and that he told Bostwick he knew it was so, that he was to have two hundred and fifty dollars for testifying; that Bostwick laughed and replied, "Yes, that was the understanding."

The testimony of all of respondent's witnesses relative to the excitement at Walker's Lake and White Mountains, is similar to that already referred to, and need not be given in detail. The fact that such an excitement did exist, that large numbers left the different camps of Mono County, and ranged about in all directions, is not denied; nor is it denied that Monoville and Aurora are the only camps in the county where provisions and miners' supplies can be obtained.

The foregoing your Committee believe to be a fair synopsis of the essential portions of the testimony given by the several witnesses examined before them, and which have a bearing upon the main question in issue.

From an examination of the certified copies of the petition and election returns, there arise, in the opinion of your Committee, many very strong if not conclusive presumptions against their being genuine returns of any election whatever.

Taking the statement of the total amount of the returns of Mono County, made out by the Clerk and now on file with the Committee, if we should exclude the vote of Big Springs Precinct, it will appear that from all the other precincts in said county, all the candidates for State officers received votes, and indeed, taking the whole county together, running nearly equal.

But, if these Big Springs returns are to be believed, out of five hundred and twenty-one votes, this very remarkable and entirely incredible state of the canvass appears, viz:

*First.*—There are only five hundred and ten votes canvassed as having any name whatever on them, from which it follows that eleven persons actually must have voted blanks.

*Second.*—That out of five hundred and twenty-one votes, Stanford did not receive a single vote—being one hundred and eighty-five cast for McConnell, one hundred and ninety-six for Conness, and one hundred and forty blanks, or not voting.

*Third.*—That for three persons who were candidates for Clerk of the Supreme Court, only one, Evans, received any votes whatever—the number cast for him being three hundred and ninety-eight—showing that one hundred and thirty-three voted blanks, or persons not voting for this office.

*Fourth.*—That for Attorney-General, out of the three candidates, only one, Bowie, received any votes, and he only one hundred and sixty-five, showing that three hundred and fifty-six must have voted blanks, or not at all, for this office.

*Fifth.*—That no vote whatever is shown to have been cast for any person for any other office except those named, *i. e.*, Governor, Clerk of Supreme Court, and Attorney-General, on the State ticket, and it therefore follows that at the exciting election of last September, five hundred and twenty-one persons, at one precinct, abstained altogether from voting for Lieutenant-Governor, Members of Congress, Controller, Treasurer, or Surveyor-General, Judge of Supreme Court, or State Printer.

*Sixth.*—If we come to the county or Senatorial candidates, we shall find the same absurdities everywhere staring us in the face; for instance, while Mr. Conness has one hundred and ninety-six votes, Quint, who runs on the same ticket with Conness, has four hundred and six votes, or considerable more than two to one; and Amyx, who runs on the McConnell ticket, runs almost as much behind his as Quint does ahead.

*Seventh.*—That at a poll, where five hundred and twenty-one votes were cast, not a single person on the Republican ticket, either for a State or county office, received a solitary vote.

*Eighth.*—The whole tally list is made out on a single sheet of paper, (either foolscap or letter,) and it shows upon its face that no other names, with a tally, could have been entered. The usual and legal way of counting votes is to take them from the ballot box, one at a time, and read the names and officer voted for, from which the Tally Clerks make up their list. The Clerk at this poll must have known, in advance, that no others than those whose names appear, would have received any votes, because no spaces are left for any others.

*Ninth.*—This return is signed by two persons, as Inspectors, when, by law, there can be but one. This, perhaps, would not invalidate genuine returns, but is mentioned as showing that whoever made the returns did not know what the law was on this subject.

The foregoing absurdities appear from the face of the returns, and independent of any extrinsic evidence, are, in our opinion, sufficient to brand them as false.

It cannot be that a large precinct, polling five hundred and twenty-one votes, and where a considerable number must have been well informed, that among the whole number there was not even one Republican, or, what was very common, one Democrat voting the Republican ticket; that all of this large number of persons abstained, simultaneously, from voting for eight out of the eleven officers on the State ticket, and that of three officers, which appear to have been voted for, all of them ran far behind the county ticket.

These are absurdities so glaring that they cannot be overcome by any amount of credulity; and no one can honestly believe that any such election ever did take place.

If we turn to the mass of the testimony taken, we find, on this question of the returns, that these absurdities were so apparent that one of the Supervisors of Mono County testifies that he objected to receiving or counting them in, and never did consent to it.

The mysterious manner in which they disappeared, after your Committee had taken so much pains to have them produced, is still further evidence to our minds that, if produced, the very mechanism, or penmanship, would condemn them.

Independent of anything, however, upon the face of the returns, your Committee are of opinion that, in point of fact, no such election was ever held at Big Springs.

All the evidence given by the respondent, tending to show that there was a great mining excitement, in July, and that numbers of people went from Aurora and Monoville, towards Walker's River, and some others towards the White Mountains, actually proves nothing; because all that might have been, and still no such election have been held.

It is sought to prove, by circumstantial evidence alone, that an election was held at the Big Springs. But the rule of law is well settled, that where circumstances alone are relied upon to prove a given fact, that such circumstances must be consistent only with the theory assumed, or the fact sought to be proved.

Now, all these persons might have journeyed, in July or August, to Walker's River, Mono Lake, or the White Mountains, and still not one of them have been present at any such election.

But, aside from all this, if any such election was held, if five hundred and twenty-one persons did actually vote at Big Springs in September last, why cannot some one out of that large number of persons be found now, who will come forward and testify to that fact?

If these returns be true, there were almost as many votes polled at the Big Springs as at both the polls in the City of Sonora; and your Committee cannot conceive, that at such an election, declared and denounced as a fraud through the public prints ever since September, known to be the turning point in this contest, not one single person can now be found who was there and voted.

In conclusion, your Committee have to say, that they are decidedly of opinion that no such election was ever held; that it is a monstrous, bold, and palpable fraud, having no parallel in the history of our State, throw-



ing entirely in the shade the most distinguished achievements of Ned McGowan in his palmy days, and only equalled by the Kansas border ruffian outrages, and that these returns should have been rejected.

The evidence shows, that, rejecting these returns, Leander Quint, the sitting member, received in all, in Tuolumne and Mono Counties, eighteen hundred and two votes, whilst J. M. Cavis received two thousand and thirty-six votes; thus showing a majority over Quint of two hundred and thirty-four votes; and your Committee are therefore of opinion that said J. M. Cavis is clearly and justly entitled to the seat in this Senate now occupied by Leander Quint. Your Committee therefore recommend the adoption of the accompanying resolution:

WHEREAS, It appears to this Senate, that at the annual election, held on the fourth day of September last, Leander Quint and Joseph M. Cavis were candidates for the office of State Senator in the Twelfth Senatorial District, embracing the Counties of Mono and Tuolumne; and that at such election, according to the returns received at the Clerks' offices of said counties, said Leander Quint received two thousand two hundred and eight votes, and said Joseph M. Cavis received two thousand and thirty-six votes, and thereupon said Quint received the certificate of election, and is, in pursuance thereof, now sitting as a member of this Senate; and

WHEREAS, Said Joseph M. Cavis has appeared and contested the election of said Quint, and from the evidence taken before a committee of this Senate, it appears that four hundred and six votes, returned as having been cast for said Quint at a place called Big Springs, in the White Mountains, in Mono County, were fraudulently returned, no such election having ever been held, and said returns being false and forged; be it therefore

*Resolved*, That the said Leander Quint, the present incumbent, is not entitled to the seat now occupied by him in this Senate, and that the said Joseph M. Cavis is entitled to said seat, as the legally elected Senator from said Twelfth Senatorial District.

KIMBALL,  
Chairman,  
HARRIMAN,  
CRANE.

Mr. Irwin, from minority of said Committee, made a verbal report, reporting progress, and was granted until to-morrow to make a final report.

Mr. Parks, from the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims have had under consideration the claim of John G. Hatch and others, for costs in the prosecution of the State against Horace Smith, amounting to four thousand one hundred and ninety-five dollars and sixty-five cents, and beg leave to report that they have made some reduction in the amount, and report the same back, with a bill, without recommendation.

PARKS, Chairman.

Mr. Soule, from the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom were referred Senate pilot bills Nos. 50, 52, 82, 130, and 162, have



considered the same some twelve or fifteen times, have neither agreed nor disagreed; hence the undersigned, one of said committee, asks leave to report all of said bills back, with a series of amendments to the present Pilot Laws, recommending the substitution of said amendments for all of said bills, and the passage of said amendments.

S. SOULE.

Mr. De Long, from the Committee on Roads and Highways, made the following report :

MR. PRESIDENT:—Your Committee on Roads and Highways, to whom was referred Senate bill No. 248, having had the same under consideration, report the same back, with the several amendments attached, and recommend its passage as amended.

C. E. DE LONG, Chairman.

Mr. Irwin moved that the Chairman of the Committee on Elections be instructed to return certain affidavits to Messrs. Irwin and Lewis, of the Committee.

Mr. Gaskill moved, as a substitute, that the papers be sent to the Secretary's desk.

Lost.

On the adoption of the motion of Mr. Irwin, the ayes and noes were demanded, by Messrs. De Long, Crane, and Pacheco, and taken, with the following result :

AYES—Messrs. Baker, Banks, Bogart, Denver, De Long, Gallagher, Harvey, Heacock, Hill, Holden, Irwin, Kutz, Merritt, Nixon, Parks, Pacheco, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—22.

NOES—Messrs. Chamberlain, Crane, Gaskill, Harriman, Hathaway, Kimball, Oulton, Perkins, Porter, Powers, Shafter, and Soule—12.

#### SPECIAL ORDER.

The message of His Excellency, Governor Stanford, nominating Henry Bush, Sen., Port Warden for the port of San Francisco, vice C. R. Street, removed.

On motion of Mr. Merritt, the Senate went into Executive Session.

On the question, Will the Senate advise and consent to the nomination? the roll was called, with the following result :

AYES—Messrs. Banks, Crane, Gaskill, Harriman, Hathaway, Heacock, Kimball, Kutz, Nixon, Oulton, Pacheco, Powers, Shafter, and Warmcastle—14.

NOES—Messrs. Baker, Bogart, Denver, De Long, Gallagher, Harvey, Hill, Holden, Irwin, Merritt, Parks, Quint, Soule, Shurtleff, Vineyard, Watt, and Williamson—17.

#### GENERAL FILE.

Senate bill No. 180, an act to repeal an Act entitled an Act for the protection of actual settlers, approved March twenty-sixth, eighteen hundred and fifty-six—was read third time, and passed.

Senate bill No. 200, an Act making an appropriation for the payment

of the claims of James Whitney and others, for the transportation of the property and appurtenances of the Legislature to San Francisco, and fitting up apartments for the same—was read third time, and passed.

Substitute for Senate bill No. 172, an Act for the relief of purchasers of Swamp and Overflowed, Salt, Marsh, and Tide Lands—was read third time, and passed.

Senate bill No. 226, an Act to amend an Act entitled an Act to regulate fees in office in certain counties of this State—was read third time, and passed.

Senate bill No. 207, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, approved February twentieth, eighteen hundred and fifty-seven—was read third time, and passed.

Senate bill No. 175, an Act in relation to the Register of the State Land Office—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 24, an Act to authorize the Supreme Court to admit William M. Pierson as an Attorney of said Court—read third time, and passed.

Assembly bill No. 121, an Act to provide for Public Administrator in certain counties—amended, read third time, and passed.

Senate bill No. 234, an Act to authorize the construction of a marine railway on the western shore of the bay of San Francisco—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 236, an Act granting to certain persons the right to establish and run a ferry between the Island of Yerba Buena and the City of San Francisco, and to construct a railroad from said island to the Alameda County shore—was indefinitely postponed.

Assembly bill No. 72, an Act concerning mining associations and companies—was indefinitely postponed.

Senate bill No. 249, an Act to limit and define the civil jurisdiction of Justices of the Peace within the City and County of San Francisco—ordered engrossed, and read third time.

Senate substitute for Assembly resolution No. 11, relative to sustaining the Federal Government.

Mr. Watt moved to make the substitute the special order for to-morrow, March eleventh, at seven o'clock, P. M.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Watt, and Holden, and taken, with the following result:

**AYES**—Messrs. Bogart, Denver, De Long, Harvey, Heacock, Hill, Holden, Irwin, Kimball, Nixon, Parks, Perkins, Powers, Quint, Soule, Vineyard, Warmcastle, and Watt—18.

**NOES**—Messrs. Baker, Banks, Chamberlain, Crane, Doll, Gallagher, Gaskill, Harriman, Hathaway, Kutz, Oulton, Pacileo, Porter, Rhodes, Shafter, Shurtleff, and Van Dyke—17.

Senate bill No. 253, an Act amendatory of and supplementary to an Act to regulate the fire department of the City and County of San Francisco, passed March twenty-fifth, eighteen hundred and fifty-seven, and the several Acts amendatory thereof—amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Substitute for Senate bill No. 217, an Act to appoint Commissioners to

adjust the affairs of the Counties of San Joaquin and Stanislaus—substitute adopted, read first and second times, and placed on file.

Senate bill No. 134, an Act to pay the claim of George E. Drew—ordered to top of file for Wednesday, March twelfth.

Senate bill No. 206, an Act for the relief of Wm. H. Tillinghast—indefinitely postponed.

Senate bill No. 268, an Act granting certain privileges to citizens of Grass Valley, Nevada County—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Assembly bill No. 122, an Act to authorize the Board of Supervisors of Calaveras County to issue bonds not to exceed six thousand dollars, and to dispose of the same for road purposes—read first and second times, rules suspended, read third time, and passed.

#### REPORTS.

Mr. Banks, from the Committee on Corporations, made the following report :

MR. PRESIDENT:—The Committee on Corporations, to whom was referred certain petitions and remonstrances concerning the repeal of the charter of the City of Sonoma, respectfully ask leave to report the same back to the Senate without recommendation, no bill on this subject having been referred to the Committee.

BANKS, Chairman.

Mr. Powers, from the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 205, an Act to authorize and empower Joshua Hendy, H. B. Tichenor, and Robert G. Byxbee, to construct and maintain booms on the Navarro River, in Mendocino County ;

Also, Senate bill No. 237, an Act to authorize Joshua Hendy, H. B. Tichenor, and Robert G. Byxbee, to construct and maintain a wharf at the mouth of the Navarro River, in Mendocino County ;

Also, Senate bill No. 165, an Act concerning roads and highways in the County of Mariposa ;

And report the same correctly engrossed.

POWERS, of the Committee.

Mr. Nixon, from the Committee on Public Morals, made the following report :

MR. PRESIDENT:—The Committee on Public Morals, to whom was referred Senate bill No. 276, an Act concerning melodeons and other places of amusement, having had the same under consideration, report it back, and recommend its passage ;

Also, Senate bill No. 157, an Act to provide for binding minors and apprentices, clerks, and servants, by the San Francisco Ladies' Protection and Relief Society, and recommend its passage.

NIXON, Chairman.

Mr. Hill made the following report :

Mr. PRESIDENT :—The delegation to whom was referred Senate bill No. 281, an Act to grant to H. J. May, and others, the right to lay a railroad track through certain streets in the City of Petaluma, report the same back, without amendment, and recommend its passage.

HILL

Mr. Perkins, from the Finance Committee, made the following report :

Mr. PRESIDENT :—The Finance Committee, to whom was referred Senate bill No. 228, an Act amendatory of an Act to provide revenue for the support of the Government of this State, approved May-seventeenth, eighteen hundred and sixty-one, have had the same under consideration, and report the same back, with a recommendation that it be indefinitely postponed ;

Also, have had under consideration Senate bill No. 139, an Act to extend the time for the collection of taxes in the Counties of Tulare and Fresno, and report the same back, and recommend its indefinite postponement ;

Also, have had under consideration Senate bill No. 116, an Act to authorize and empower the Controller of State to transfer certain funds, and report the same back, with an amendment, and recommend its passage, as amended.

PERKINS, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Shafter, for an Act to pay Paul R. Hunt the sum therein mentioned.

Read first and second times, and referred to the Committee on Claims.

Also, for an Act to amend an Act entitled an Act to amend an Act entitled an Act to prohibit the erection of weirs, or other obstructions to the run of salmon, passed April twelfth, eighteen hundred and fifty-two, passed May tenth, eighteen hundred and fifty-four.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Banks, for an Act amendatory of and supplemental to an Act concerning passengers arriving in the ports of this State, approved May third, eighteen hundred and fifty-two, and the several Acts amendatory thereof and supplementary thereto.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Perkins, for an Act to amend an Act entitled an Act for the protection of harbors, approved April twenty-third, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Soule, for an Act to repeal certain Acts, under the authority of which a large amount of moneys are obtained by politicians, and used by them to sustain party against the public good.

Read first and second times, and referred to the Committee on Commerce and Navigation.



By Mr. Doll, for an Act to provide for the purchase of three hundred copies of Labatt's Digest of California Reports.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hill, for an Act to repeal an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, and other matters relating thereto.

Read first and second times, and placed on file.

By Mr. Holden, for an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Finance.

The resolution allowing T. H. Loher fees, as Assistant Sergeant-at-Arms, in the Mono contested election case, was taken up, amended by allowing him one hundred and five dollars, instead of two hundred and ten dollars, and adopted.

On motion of Mr. De Long, at fifteen minutes past three o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, March 11th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Oulton presented a petition of citizens of Siskiyou County, in favor of present Sunday Law, with amendments.

Referred to the Committee on Public Morals.

## REPORTS.

Mr. Chamberlain made a verbal report, reporting back Senate bill No. 284, without recommendation.

Mr. Denver made the following report :

MR. PRESIDENT:—The Committee of Free Conference appointed on the disagreeing vote of the two Houses on substitute for Senate bill No. 68, recommend the adoption of the following proviso to section two of said Act, in lieu of the Assembly amendment: "*Provided*, the same shall not exceed five hundred dollars."

A. ST. C. DENVER,

Chairman Senate Committee.

T. M. AMES,

Chairman Assembly Committee.

Adopted.

Mr. Oulton, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined and report correctly engrossed Senate bill No. 256, an Act to pay the claim of Eugene Lies for translating the State laws of the twelfth session of the Legislature ;

Also, Senate bill No. 222, an Act concerning fees of office in certain cases in the County of Tehama, and to consolidate certain offices ;

Also, Senate bill No. 261, an Act to amend an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and an Act amendatory of and supplementary to said Act, approved April nineteenth, eighteen hundred and fifty-nine ;

Also, Senate bill No. 281, an Act to grant to H. J. May, Charles M. Baxter, William Kohl, and others whom they may associate with them, and their assigns, the right to lay a railroad track along certain streets in the City of Petaluma, and through a public road in the County of Sonoma.

OULTON, of Committee.

Mr. Perkins, from Joint Select Committee to confer with Chinese merchants in regard to Chinese statistics in this State, made a report, which was ordered printed. (See Appendix.)

Mr. Shafter made a verbal report, recommending the passage of Senate bill No. 282, an Act supplementary to an Act amendatory of an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four, and all other Acts or parts of Acts amendatory thereof or supplementary thereto.

Mr. De Long moved to consider the bill above reported, now.

Lost.

The President presented a communication from the Controller of State, relative to the finances of the State.

Ordered printed.

Mr. Powers, from the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—The Committee on Contingent Expenses have had under consideration Senate concurrent resolution No. 43, relative to the claim of Eugene Lies, and beg leave to report the same back, and recommend its passage, with blank therein filled with the sum of ten hundred and forty-three dollars and eighty cents.

POWERS, of Committee.

Mr. Pacheco made a verbal report, recommending the passage of Assembly bill No. 46.

#### GENERAL FILE.

Senate bill No. 93, an Act to provide for a gradually increasing tax upon Mongolians in this State—ordered to top of file for Friday, March fourteenth.

Senate bill No. 225, an Act for the relief of W. J. Paugh, late Sheriff of Amador County—laid on the table.

Senate bill No. 265, an Act to authorize J. W. B. Reynolds to dispose

of certain real estate—rules suspended, considered engrossed, read third time, and passed.

Memorial of Daniel O'Regan—rejected.

Senate bill No. 257, an Act to authorize the County of Shasta to pay H. C. Stockton for expenses incurred by him in quelling Chinese riots in that county—read first and second times, and recommitted to Committee on Claims.

Assembly bill No. 166, an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte—read first and second times, and ordered to top of file for to-morrow.

Senate bill No. 254, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the location and sale of the five hundred thousand acres of land granted to this State, etc.—recommitted to Committee on Public Lands.

Assembly bill No. 128, an Act making the office of County Treasurer of Trinity County a salaried office—amended, read third time, and passed.

Senate bill No. 239, an Act for the relief of the heirs of Abraham De Leeur, deceased—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 262, an Act to amend an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' license taxes, in said county, approved February twenty-sixth, eighteen hundred and fifty-nine—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 63, an Act for the relief of W. D. Sawyer—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 142, an Act for the relief of George W. Nixsen—indefinitely postponed.

Senate bill No. 195, an Act to authorize Mrs. Mary Comstock, and her minor children, Bertha Comstock, John Felt Osgood Comstock, and George Comstock, to sell their homestead—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 247, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—recommitted to the Judiciary Committee.

Senate bills Nos. 270 and 261—placed at foot of file.

Senate bill No. 274, an Act to grant the right of way to construct a toll bridge across Deer Creek, in the County of Tehama—referred to Tehama delegation.

Senate bill No. 278, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Coloma, in the County of El Dorado—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 242, an Act to amend an Act entitled an Act to limit the term of leases, passed April twenty-first, eighteen hundred and fifty-one—was indefinitely postponed.

Senate bill No. 245, an Act amendatory of and to extend the provisions of an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and sixty—was indefinitely postponed.

Assembly bill No. 101, an Act to authorize the Board of Supervisors of the County of Contra Costa to transfer certain moneys remaining in the Gilman Judgment Fund of the said county—read third time, and passed.

Senate bill No. 272, an Act to amend an Act amendatory of an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 157, an Act to provide for binding minors as apprentices, clerks, and servants, by the San Francisco Ladies' Protection and Relief Society—amended and ordered engrossed, and read third time.

Senate bill No. 276, an Act concerning melodeons and other places of public amusement.

Mr. Watt moved to strike out the enacting clause.

Upon which, the ayes and noes were demanded, by Messrs. Banks, Powers, and Shurtleff, and taken, with the following result:

AYES—Messrs. Bogart, Crane, Denver, Doll, Holden, Irwin, Lewis, Merritt, Porter, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—14.

NOES—Messrs. Banks, Chamberlain, Gallagher, Gaskill, Harvey, Hathaway, Heacock, Kimball, Nixon, Oulton, Parks, Pacheco, Perkins, Powers, Rhodes, Shafter, Soule, and Van Dyke—18.

Mr. Hill moved to make the bill the special order for April second.

Upon which the ayes and noes were demanded, by Messrs. Powers, Chamberlain, and Banks, and taken, with the following result:

AYES—Messrs. Bogart, Crane, Denver, Doll, Irwin, Lewis, Merritt, Porter, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—13.

NOES—Messrs. Banks, Chamberlain, De Long, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Kimball, Nixon, Oulton, Parks, Pacheco, Perkins, Powers, Rhodes, Shafter, Soule, and Van Dyke—22.

Mr. Warmcastle moved to refer to the San Francisco, Sacramento, and Sutter delegations.

Carried.

Mr. Irwin, from minority of Committee on Elections, made the following report:

Mr. PRESIDENT:—The undersigned, a minority of your Committee upon Elections, would respectfully dissent from the majority report, and submit the following as the conclusions to which they have arrived:

We find that the contestant, Mr. Cavis, and Mr. Quint, were both candidates for a seat in this honorable body at the last general election; that Mr. Quint, the sitting member, received at said election two thousand two hundred and eight votes, and Mr. Cavis, the contestant, two thousand and thirty-one votes, giving Mr. Quint a majority of one hundred and seventy-four votes, upon which, a certificate of election was duly issued to him (the said Quint) on the twenty-third day of September, A. D. eighteen hundred and sixty-one. It further appears, that on the twenty-fourth day of September, the day after the issuance of said certificate, one B. S. Mason, in conjunction with T. N. Machin, made out and caused to be filed a notice of contest of said election, upon which, the Clerk of Mono County, upon the same day, issued a commission to two Justices of the Peace of said county, to take testimony, etc., as provided by law, on the twenty-second day of October, A. D. eighteen hun-



dred and sixty-one. It further appears, that the said Machin knew that Mr. Quint was intending to visit Mono County upon professional business about the first of October; that the usual time occupied in crossing from Aurora, the county seat of Mono County, to Sonora, the residence of Mr. Quint, is from two and a half to four days; that the said Quint did not leave the City of Sonora, Tuolumne County, until the seventh or eighth of October, and that notice of a contest, or intention to contest his election, did not reach said city, the place of his residence, until several days after his departure for Mono County; that no attempt and no endeavor was ever made by contestant, or by those who acted for him, to serve the notice, or give the said Quint any intimation that his election was to be contested, but rather a studied endeavor to avoid the giving of such notice, and the time and place of taking testimony; that at the time set for taking of testimony, the said Cavis appeared, on behalf of himself, in conjunction with Mason, who had filed notice of contest, while L. O. Stearns, as an Elector of the County of Mono, appeared and opposed the taking of testimony, alleging that no service had ever been made upon the said Quint, and the contestant failing to show any such service, the Commissioners refused to take testimony, and dismissed, or refused to take, further proceedings in the premises. Whereupon, the said Cavis went before one of said Justices, who sat as one of said Commissioners, and took the testimony of some six or eight witnesses, which, together with certified copies of papers in the County Clerk's office of Mono County, and the proceedings before the Commissioners, were, by said Cavis, or through his direction, sent to the Secretary of State and filed in his office, and afterwards these same papers, together with a petition of the said Cavis, were all referred to the Committee on Elections. The Committee on Elections met upon the twenty-seventh day of January, for the purpose of examining into the facts upon which said contest was based, and then the said Cavis only chose to use a portion of the papers filed by him with the Secretary of State, and referred to your Committee, as before shown.

An examination of the merits of the case before your Committee, establishes the fact, that the whole case, as between the sitting member, Mr. Quint, and the contestant, Mr. Cavis, is narrowed down to the simple fact of an election in September last, at a voting precinct in Mono County, designated "Big Springs Precinct," in White Mountain District, and the correct and faithful return of such election; and upon this simple issue the whole case is to determine. Mono County, heretofore only known as an unexplored region, northeast of the County of Tuolumne, was first brought prominently to public notice through the report of extensive mineral deposits discovered near the White Mountains, in that region, in the year eighteen hundred and sixty, and through such reports, large numbers of citizens of Tuolumne, and adjacent counties, proceeded to the new section. So extensive were the numbers who went thither, that the Legislature, at its sitting in the following year, was induced to form this portion of our territory into the County of Mono, and throughout the entire period embraced, from the first announcement of rich deposits of precious metals up to the close of the late mining season, very large bodies of citizens have passed into the new county, and moved from point to point, as each new report of discoveries has claimed public attention. From these circumstances, and through such a state of facts, the White Mountain locality had its origin, and, at the time of the late election, was occupied by numerous persons thus attracted thither, an occurrence by no means unfrequent in our State, but, on the con-

trary, constantly transpiring in almost every mining county, and forming a marked and leading feature in the peculiar habits of our people. The evidence establishes that the Supervisors of Mono County were regularly petitioned to establish an election precinct at Big Springs, in the White Mountain District, and that, finding that the wants of the people required such precinct, the prayer of the petitioners was duly complied with, and all legal authority to open the polls at that place, fully authorized. This was a period prior to the present contest, and it is now seen that neither of the parties to the present issue, or any of the citizens connected with the county, have ever made it a matter of complaint or of remonstrance that the people at that place were sufficiently numerous to require, or be entitled to, a voting poll. This we consider the clear starting point; from this point, the further examination of the case must proceed, and be kept to the limits of the election there.

The returns were made, as the evidence shows, in due form; were examined by the Supervisors of the county, sitting as a Board of Canvassers; were by them passed as correct; and upon these returns, certificates of election were directed to issue, and did, in fact, issue; and under this title the sitting member, Quint, is now recognized in this honorable body.

Contestant claims, in the face of these facts, that there was no election held at Big Springs, and that the returns, canvassed, passed upon, and accepted, by the Board of Supervisors of Mono County, in their capacity as a Board of Canvassers, were in fact a fraud. In support of these positions, contestant examines many witnesses, who testify that they had been at the White Mountains, but none of them for some time preceding the election, and only two of them afterwards, to wit: Mason and Orr, which was more than a month after the election was held. They admit that there were men there, but that they saw only a limited number. It is also shown by them, as well as all the other witnesses, that the White Mountains embrace a large extent of country, in length from one hundred to one hundred and fifty miles, and some twenty or thirty miles in width.

These men do not pretend to have ever seen all, or even any considerable portion, of the territory properly embraced within what might be called the White Mountain District. None of them pretend to have travelled up and down said White Mountains more than about thirty miles; they were invariably off upon one side or the other. All of these witnesses, together with C. E. Preble and W. E. Johnston, testify that in the month of July and the first of August last, there was an intense excitement in Mono County relative to gold and silver discoveries, by some supposed to be at Walker's River or Walker's Lake, and by some at White Mountains.

Mr. Johnston, a witness, called and sworn on behalf of contestant, testifies that there was an excitement of gold and silver discoveries during the months of July and August last, between Walker's River and the White Mountains, averring that "some said White Mountains, and some said Walker's River." He further testified that two or three hundred persons left Aurora during the excitement, and were going and coming all the time.

Mr. Preble also establishes the fact that there was an excitement, in which a great many persons went off, saying in his testimony: "That he knew of a great many going off at the time of the Walker's River excitement; he was then working at the foot of Mono gulch, by which locality

the road ran to the scene of the excitement, and that he saw on some days as high as one hundred persons pass by on the road, and on other days not more than ten—in fact, that there were few left in Mono; that he knew nothing more of them until some of them got back; they commenced to return in six or seven days, and that the most of the parties known to him came back in that time; on some days six or seven would return, and on other days a dozen.” This witness also stated that the voting population of Mono, in the month of June, was some five or six hundred, and that at the September election there was not near so many, estimating the difference at from a third to a half less. This fact is also established by all the witnesses on both sides, which bears upon this point. The testimony also shows that the immigration was constantly coming into Mono County during the summer months, and up to the month of September. No one person is shown to have left the county, permanently, from June till September.

The entire testimony of contestant, taken in its strongest sense for the support of his position, amounts simply to the establishment of the single fact, that a part of the witnesses called by him, at different periods previous to the September election, were in the general section of country known as the White Mountain District; that they went over a limited portion of that District in their travels, and did not see the locality known as Big Springs; further, that another portion of these witnesses were in the same general direction after the election, and did not see where the population had been who were carried to the White Mountain District by the excitement upon new gold and silver discoveries, which is admitted to have prevailed previous to the election.

These facts may very reasonably be received and believed, for the extent of the White Mountain District would readily admit of the presence of a far greater number of persons than those called by contestant, and that they should have embraced a much larger portion of the territory in their travels, and yet not pass to the precise spot in question, and thus can testify very clearly to their not finding the place, especially when it is considered that none of these individuals were in actual search of the place itself, but were occupied with the object of prospecting for their own personal benefit.

One of these witnesses testifies that he saw Big Springs, or springs of water called by that name, but does not declare that it was the locality where the Supervisors of Mono County had established an election precinct. This is the only testimony furnished by contestant bearing upon the fact of seeing Big Springs, and it is a singular and somewhat unaccountable circumstance, that the close companion of this witness, who remained with him during all his journeying in the White Mountain District, testifies that he *did not* see Big Springs.

There is no testimony whatever produced by contestant tending to establish the assertion that the election returns were a fraud, and in the face of the approval of these returns by the Supervisors of Mono County, the bare assertion of fraud can have no weight, and is entitled to no consideration.

On the other hand, should the testimony taken before your Committee, and other testimony offered by the respondent, be duly considered by this honorable body, it must, in our opinion, appear affirmatively that there was an election held at Big Springs Precinct, in pursuance of the petition granted by the Board of Supervisors of Mono County, and that the returns of said election were genuine.

In proof of these two propositions, which comprise the whole sum and



substance of this case, we beg leave to present an abridged statement of the evidence of witnesses whose testimony is not of a mere negative nature, but direct and positive upon these two branches of the question submitted for investigation.

Willard Whipple, who was before your Committee, says that he has been a resident of Mono County since September, eighteen hundred and fifty-nine; that there was quite an excitement in July, eighteen hundred and sixty-one, about the mines at the Sink of Walker's River; that he himself went out during the excitement, and prospected in the vicinity between two and three weeks; he found seven or eight hundred men at Walker's Lake; this excitement proved to be a "steamboat," a "humbug;" there were no houses or tenements erected there when he left; some went one way and some another; and after this there was an excitement at White Mountains.

L. O. Stearns testifies that there was an excitement in July and August, about certain mines believed to be in the vicinity of Walker's Lake, and that some four hundred went off from Aurora during that time; that some time after this there was a continuous excitement about mines at the White Mountains; and that the vote of Aurora in June was much greater than in September.

S. C. Franklin testifies that there were from five to seven hundred who left Mono and Aurora, the last of July and the first of August last; and that they were attracted to the Sink of Walker's River and the White Mountains.

H. D. Bequette testifies that during the months of July and August there were several excitements in the county; that a portion of the population went to Walker's Lake, and a portion to the range of mountains lying east of Mono Lake, called White Mountains.

L. A. Brown also testifies that the excitement was supposed by some to be in the White Mountains, and that a great many went there. Some supposed the excitement was at Walker's River.

The same facts are proved also by other witnesses, who testify substantially the same as is set forth above.

Byron E. Cox testifies that he recognizes the names of not less than twelve or fourteen persons, residents of Mono County, who appear from the poll list to have voted at the Big Springs Precinct, to wit: Miles, Hunter, Hughes, C. Higley, Walters, Green, Alexander, Bowen, Blackburn, Manson, Whitney, Peck, Sam. Smith; these, with others, were off during the excitement, and at the time of the election. He also testifies that he knew a man at Mono, named Boling, who was then on his way to the Sink of Walker's River, with other parties, in search of the new diggings.

These facts, which are testified to by this witness, are corroborated by the testimony of other persons, who appear both for the contestant and respondent in this case, all of which tend to establish the fact that an election was held at the said Big Springs Precinct, and that the alleged number of votes were legally cast.

We have thus, in our opinion, given a fair and impartial abridged statement of the evidence. It is too plain to be misunderstood, and too positive to be gainsayed. We have not thought it our duty to comment upon the testimony of the only witness who can have a direct effect upon the case; we refer to J. A. Bostwick. It is not our province to comment with severity upon the crime of perjury, more direful in its results, and more fatal in its consequences, than homicide itself. Akin to it, in enormity, and equally infamous in character, is the second charge of suborna-



tion of forswearing. That these two high crimes have been more than perpetrated, the evidence most conclusively proves. Nor do we think it our province to comment upon the startling fact, that human nature has reached that climacteric point of badness, to permit a man to acknowledge that he attempted an outrage upon the ballot box, and then unblushingly come before the Legislative power and brand himself with the heinous crime, and that too without any attempt to bring the self-convicted felon to condign punishment.

But we cannot omit the fact, that by a close scrutiny of the evidence, this man, Bostwick, has singularly stepped aside from the truth. He states, emphatically, that the illegal returns, inferentially acknowledged to be gotten up in part by himself, were written upon *long*, or *foolscap* paper. This fact he positively asserts, and that they were given to one Abel to deliver to the County Clerk of Mono County. He further states that these returns were enveloped, and sealed with paste made by a mixture of *flour* and *water*. An examination of the envelope shows that this cannot be true, or that the returns he assisted in fabricating at Mono Lake were never filed or received by the County Clerk of Mono County. In the first place, by a number of unimpeached and unimpeachable witnesses, it is shown that the returns on file were not written on *long* or *foolscap*, but on *letter* or *short* paper. The returns given to Abel were not filed, for one Boling, as the envelope will show, with the affidavit attached, that the genuine papers were presented by him, and properly became a portion of the archives of the county. Again, upon examination, we find that the envelope is not, as sworn to, sealed up with *flour* paste, but is really fastened with *newilage*. These plain and palpable contradictions will not fail to arrest the attention of the candid observer, and lead the inquiring mind to the forcible conclusion that his entire evidence is worthless, and that, with a desire for gain and a vicious feeling for self-aggrandizement, he has violated all rules of truth, and trampled upon every principle of honesty. Nor can we, in tracing this man's testimony further, assume a different conclusion. We find him at a certain period, in Stockton, poor and friendless, with no means in his possession. There he inquires for the sitting member, but without avail, and thinks that he may be enabled to procure money from him. He declares here, for the first time, what he knows about the Big Springs election, while at San Francisco he denies knowing anything about it. His self-abnegation at this point is truly remarkable. We next hear of him hunting out a lawyer in Sacramento, who was Counsel in a similarly contested election case in the Assembly. Here, too, his efforts were abortive, and cannot we, by a parity of reasoning, say, from all these facts, that failing in his efforts, he threw himself into the breach of the contestant, became a willing and fitting instrument, and thus disclosed a seeming outrage, existing alone in his own disturbed and excited imagination. These contradictions will not bear genteel examination. Throughout his devious wanderings, we find him a panderer to infamy, and a fitting instrument to fraud, willing to barter his conscience for gold and sacrifice his feelings upon the altar of gain. The sitting member declined his mercenary overtures, and can we think that the contestant lent a listening ear, and made him his tool, and a paid servant? We cannot believe it. The solution of the problem is, that, inspired by a spirit of revenge, deadly and subtle as it is, and failing to get money from the sitting member, he concocted his untruthful story, without the contestant's agency; cons it over, and by a series of frequent repetitions, even believes it to be true himself.

The Senate, at an early day, appointed a Commissioner, at the request of the contestant, and with the urgent concurrence of the sitting member, to proceed to Mono County to subpoena witnesses, and bring with him the original returns of Big Springs Precinct. In pursuance of this appointment, T. H. Loher proceeded to Aurora, and brought back R. M. Wilson, S. Carter, L. O. Stearns, and E. Green, as well as all the papers in the case. We find that these witnesses left there and arrived at Sacramento on Monday, the eighteenth day of February. The proof is evident and positive that the County Clerk of Mono County placed in the hands of Loher, after the steamer left Sacramento, the tally list of the disputed precinct. Upon Loher's arrival in San Francisco, he exhibited those papers to the contestant (Mr. Cavis.) After this period no trace nor track can be found of those documents; and although we would feel great reluctance in charging the contestant with having an agency in destroying these papers, yet we cannot but feel that the messenger, Loher, is criminally culpable in violating his trust, and in failing to bring them before the Committee. Was this caused by the failure of the tally papers to correspond with the testimony of Bostwick? or may we say that it was negligence? Either dilemma will present the Senate messenger in a most unenviable light. A wish to distort facts, or an over desire to substantiate the evidence of one who stands self-accused of committing an alleged crime.

The majority of the Committee have seen fit to denounce the election held at this precinct, in terms which we do not deem necessary to repeat, and which we think are entirely uncalled for, and unwarranted by the facts of the case. They boldly declare, in the face of direct testimony, that no election was ever held there!

To dispute this assumption, and to vindicate the voters of Mono County from the obloquy thus attempted to be cast upon them, we introduce the following extracts from affidavits of citizens of this county:

George McQuade, a merchant at Monoville, testified that he was and is well acquainted with the different localities and precincts in said county; that he traded and sold goods to persons in different localities throughout the county, and among the Big Springs or White Mountain precinct; that he knew of other companies of miners at that place being supplied by other merchants at Monoville; that from his knowledge of the people there, he should say there were five hundred legal voters at that point.

Thomas Leonore testifies that during the summer of eighteen hundred and sixty-one he was Clerk for George McQuade, at Monoville; that while so engaged, he visited the Big Springs Precinct. That during the summer of eighteen hundred and sixty-one there was considerable excitement about gold and silver discoveries; that there was a large population gathered about that precinct and vicinity, and that he knows of his own knowledge that there was a large population at that point on or about the first of September, eighteen hundred and sixty-one, at least from five to seven hundred, who were citizens of said county, and legal voters at said precinct. That he delivered goods to different companies who were at work at said precinct, numbering from five to twenty men, and some ten or fifteen companies. That the precinct embraces a large extent of territory, being some eighty miles from any other precinct. That if all the legal voters had voted at the last general election, it would have exceeded the number voted and canvassed.

C. E. H. Wheaton testifies that he is a Justice of the Peace of the City of Sonora; that he resided in Mono County from about the fifteenth of July, eighteen hundred and sixty-one, and remained there till just

previous to the election, and returned to Mono County soon after the September election; that he is well acquainted with the people of the county; that while in Monoville sold goods to a large amount for that precinct, and that he is himself interested in claims there, and from his knowledge has no hesitancy in saying that there were from six hundred to one thousand voters residing within said voting precinct.

D. T. Donnelle testifies that he resided at Monoville during the summers of eighteen hundred and sixty and eighteen hundred and sixty-one. That he was acquainted with the locality of the Big Springs, and knows that there was a great excitement there about the time of the election in September, in consequence of new mineral discoveries in that locality; that a great many left Monoville for that place; that from his information there must have been seven hundred or eight hundred men and legal voters of that precinct.

John McGenty testifies that he has resided in Mono County since eighteen hundred and sixty; that he is well acquainted with the greater portion of said county, and particularly the Big Springs Precinct and locality; that it is a quartz and placer mining locality, and during last summer, and up to about election time, there was considerable of an excitement in that vicinity; that there were a large number went from the vicinity where he resided, and that, from his own knowledge, about the time of said general election, there were a large number of people in that precinct, not less, as affiant believes, than five hundred, who were citizens of said county, and legal voters at said precinct.

Robert French testifies that in the fore part of the summer he passed through what is called the Big Springs Precinct, in Mono County; that he knows of parties who went there before election, from Monoville, and were there on election day; that there were from four hundred to five hundred people there when he passed through; that the precinct is large, and not within eighty or one hundred miles of any other precinct in the county.

John A. Fry testifies that he is acquainted with the different precincts in Mono County; that there was considerable excitement at that place about the time of the general election; generally believed that there were some four hundred or five hundred voters at that precinct.

J. T. Campbell testifies that he has been a merchant in Mono County for two years; that he furnished miners in that region of country, known as White Mountains, with a large quantity of goods; that he had intercourse with the inhabitants of that portion of said county, and that to the best of his belief there must have been over seven hundred electors in said district, and, within one hundred miles, over eight hundred voters, and that during this time he was only one out of nine or ten merchants residents of Monoville.

A. A. Brown testifies that he was a resident of the White Mountain district, and was present at the general election in September last, at said precinct; that from the best of his knowledge and belief there were over seven hundred persons who went, and who participated in said election at what is known as the Big Springs Election Precinct; that he did not vote for either L. Quint or J. M. Cavis, or any other candidates, because he knew none of them; that at least the number of five hundred actually participated in said election.

Larkin Robinson testifies that he has been a resident of Mono County some time past; that he was frequently at what is known and called the Big Springs Precinct; that he was there at the general election on the fourth day of September, A. D. eighteen hundred and sixty-one; that he



knows of the polls having been opened at that precinct; that there were a large number of voters polled, should say from four hundred to six hundred, who were residents of said county and legal voters at said precinct; that he is interested in mining claims there, and was frequently there during the summer of eighteen hundred and sixty-one, and that he knows, of his own knowledge, that there were from five hundred to one thousand voters in and about that voting precinct, and who were legal voters; that there is no other voting precinct within from eighty to one hundred miles, and that had all voted who were entitled to vote, there would have been from six hundred to one thousand votes polled; that there were no printed tickets that he saw at said precinct; that they were written out upon paper mostly taken from blank books.

W. B. Biggs testifies that he resided in Mono County, and was well acquainted with the different precincts; that he is acquainted with the Big Springs Precinct; that he knows there was great excitement in said Big Springs in consequence of mineral discoveries there, and thinks there were in that vicinity four hundred or five hundred inhabitants at the time of said election, and that he believes said returns to be correct.

The above and foregoing affidavits were introduced in connection with an affidavit of J. D. Patterson, Sheriff of Tuolumne County, relative to the receipt of certain papers for service upon Mr. Quint, in connection with certain correspondence between Mr. Quint and Mr. Cavis, in which Mr. Quint offered to resign, etc. The two latter papers, to wit: the affidavit of J. D. Patterson and the correspondence, was admitted by Mr. Cavis, before all the members of the Committee then present, without objection. But to the introduction of the affidavits or testimony, the substance of which is contained in this report, he objected, on the ground that they were taken *ex parte* and without notice. There were three members of the Committee then present, and in view of the peculiar circumstances in which the case presented itself, no notice having been served upon Mr. Quint, as provided by law, that Mr. Cavis intended to contest the right to his seat in this body, and he, himself, having taken *ex parte* testimony, which, with other papers, were referred to the Committee, and he, the said Cavis, having actually read one of said affidavits in evidence, to wit: the affidavit of R. M. Wilson, concluded that it was but just to Mr. Quint that the testimony should be received and submitted to the Senate for its consideration. We also considered that gross injustice which would be done to Mr. Quint by excluding this testimony. The weather has been such that it would have been a matter of utter impossibility to have reached the White Mountains at this season of the year.

From all these facts, and from the accumulated weight of testimony, we arrive at the conclusion, that the sitting member, Leander Quint, is entitled to his seat; we believe this, from the evidence, and not from political considerations. The people, in their sovereign capacity, have elected a Senator, and that man is the sitting member. All intendments, says an eminent jurist, (Barbour,) are to be taken in favor of the people; and a distinguished philosopher and statesman (Lord Bacon) says, we should not alone listen to their voice, but we should bow to their will. The people acted—their voice has been heard—and shall we not bow to their will? The genius of our free institutions demands it, and our pretensions of loyalty to Government would require such action.

A singular fact connected with this contest, is not unworthy of notice. The sitting member, with more than ordinary magnanimity, offered freely to withdraw from the Senate and once more go before the people, and



again claim their suffrages. This offer was distinctly refused, we are sorry to say, by the contestant. Was this not fair? It would, in fact, have removed the subject from the Senate, and permitted the people to decide the claims of the respective parties; and last, would have saved the State many thousand dollars. The offer was honorable in the extreme, and its non-acceptance is only proof to us that the contestant was fearful of the result.

With all these facts before them, relying upon justice and right, upon those higher principles of honor that underlie the corner stone of freedom and republican government, we arrive at the conclusion that Leander Quint is the Senator from the Counties of Mono and Tuolumne.

In conclusion, we beg leave to submit the following resolution:

*Resolved*, That Leander Quint is the legally elected Senator from the Twelfth Senatorial District, composed of the Counties of Tuolumne and Mono.

RICHARD IRWIN,  
WM. T. LEWIS.

On motion of Mr. Gaskill, the majority and minority reports of the Committee on Elections were made special order for to-morrow, March twelfth, at half past eleven o'clock, A. M.

Mr. Nixon made the following report:

MR. PRESIDENT:—Your Committee to whom was referred Assembly bill No. 48, an Act for the purchase and preservation of public newspapers, printed and published in the several counties of this State, have had the same under consideration, and report it back without recommendation.

NIXON, Chairman.

Mr. Denver made a verbal report, recommending passage of Assembly bill No. 165, an Act for the relief of William D. Shirly, and others;

Also, verbal report, recommending the passage of Assembly bill No. 170.

Assembly bill No. 165, above reported, was, the rules being suspended, read third time, and passed.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

#### STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT.

*To the Honorable the Senate of California:*

I herewith return to the Senate, without my approval, Senate bill No 152, entitled an Act to transfer certain funds.

The Constitution of the State provides that every bill which may have passed the Legislature, shall, before it becomes a law, be presented to the Governor. "If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated." Under this clause of the Constitution, the Governor becomes, to a very qualified extent, a co-ordinate branch of the law-making power.

The Constitution submits to the judgment of the Governor, as to the judgment of every Senator and Representative in the Legislature, the

constitutionality, propriety, expediency and justice of every act of legislation, and demands of him, by his act of approval or by the denial of his signature thereto, to declare his own convictions upon each and all of these points.

Should he deem the Act to be either unconstitutional, improper, inexpedient, or unjust, it is as much his duty, as that of either branch of the law-making power, to make that conviction known. The fact that the legislative representatives of the people have given to any measure the high sanction of their approval, is evidence, of the highest character, of its constitutionality and expediency, and should cause any one to keenly criticise his own judgment when found to be in conflict with theirs; but if, after patient and impartial consideration, the Executive cannot bring his judgment to approve what the Legislature have enacted, it becomes as much his duty to withhold his approval, as to perform any other duty devolving upon him by the Constitution and the laws.

Under a high sense of this responsibility, I find myself compelled to withhold my approval from the Act herewith returned.

From a report made to me by the present able State Controller, it appears that the General Fund, without having anything on hand to meet them, has now outstanding against it audited claims to the amount of (\$455,436 00,) four hundred and fifty-five thousand four hundred and thirty-six dollars, as will be seen by his report submitted to both Houses of the Legislature. The Controller estimates the whole amount to be received into the General Fund, to June thirtieth, the end of the present fiscal year, at (\$70,000 00,) seventy thousand dollars, which will fall far short of paying the current expenses of the Government to that time; it is therefore safe to estimate the General Fund will be, at the close of the fiscal year, more than half a million dollars in debt.

The financial condition of the State was imperfectly understood by me, when, on the second day after the accession of the present Executive, a bill of the same general character was presented for my approval. That the General Fund—the fund out of which the current ordinary expenses of the State are paid—was so deeply involved, was certainly not generally known; nor am I aware that there was at that time any source from which such information could be readily derived.

The utter impossibility of replacing the money proposed to be transferred by this bill within the time specified, or, indeed, at any time during the year eighteen hundred and sixty-two, must be evident to the most casual observer. It could not have been the intention of the Legislature to provide for the payment of the claims specified in the bill at the expense of every other claim, and at the risk of rendering it difficult, if not impossible, to provide the necessary supplies for the support of the State Prison, Asylum for the Insane, and other pressing and indispensable requirements upon the Treasury.

I cannot but be satisfied that had the Legislature fully understood the condition of the General Fund, as it is now ascertained to be from the report of the present Controller, they would have refrained from an act which, while it prefers their own very just claims, places the officers of the State Government under the disagreeable necessity of either discontinuing the Prison and Insane Asylum, or of going into the market and making purchases upon an indefinite credit.

The responsibility of this state of affairs cannot in any degree be justly charged upon the present Legislature, although the individual members may in some degree suffer from its consequences. From our predecessors in office we received the Government in its present embar-

ruined condition, and it will require the utmost economy and self-denial to rescue it from those embarrassments, which sacrifice, I am sure, will cheerfully be made on the part of the Legislature and State officers.

A little more than four years since, after the funding of all the then indebtedness of the State, an attempt was made to reduce the financial transactions of the Government to a cash basis, which attempt was for a short time successfully and happily realized. This was a most desirable reform. Within the short period of two years we have again relapsed into the credit system, having expended the fine balance then in the General Fund, and leaving it in debt nearly half a million of dollars; thus showing an annual expenditure of more than three hundred thousand dollars in addition to the immense annual revenues derived from taxation upon the property and business of the State.

No one can doubt but that a rigid economy, and strict adherence to sound financial rules, would have enabled us to follow out a cash system, so wise in itself, and so well calculated to enhance the general prosperity and lighten the burthen of taxation. Let the responsibility of the deplorable relapse into a miserable credit system rest where it properly belongs; upon us devolves the duty at the earliest possible period to return once more to a practice wise and economical.

The foregoing exposition of the present state of our finances, as applicable to the subject now under consideration, might be in itself alone sufficient to justify the course I have deemed it my duty to pursue, but other considerations press themselves upon my mind in this connection, as conclusive to justify me in the resolution to which I have been impelled by the foregoing considerations.

The Act of Congress granting land, from the sale of which the Swamp Land Fund was derived, was not an Act to donate those lands to this State, but is expressly declared in the title thereto to be "An Act to enable the State to reclaim them;" and the State, when she accepted and sold them, was bound in honor and good faith, both to the General Government and to the purchasers of the lands, to devote the proceeds of such sale, or as much thereof as might be necessary, to the purpose for which they were granted, and that too in such a manner as would most effectually secure the end desired.

The Legislature of eighteen hundred and sixty-one devised and set in operation a system of reclamation, upon which more than forty thousand dollars has been already expended, and for the construction of which, according to the plan proposed, the whole amount now in that fund may be required prior to November of the present year. The amount of two hundred thousand dollars has been already appropriated and set apart, for the purpose of reclamation, and upon the faith of that appropriation surveys have been made, and contracts, at the discretion of the Board of Swamp Land Commissioners, may be entered into, which will absorb in the course of their execution, the whole amount appropriated.

Upon the wisdom and fitness of the proposed plan I am in no manner called to pass. Devised by one Legislature, and acquiesced in by another, in the very terms of the Act now under consideration, it may be deemed to have become the settled policy of the State. To divert the funds so appropriated, and thereby render in a degree useless what has already been done at so great an outlay, would be alike unjust to the inhabitants of large districts of our State, who have purchased those lands under the belief that the fund so created would be wisely expended, and prejudicial to the State at large, so deeply interested in their reclamation and settlement.



In the Act of Congress of September twenty-eighth, eighteen hundred and fifty, it is provided, that "the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, so far as necessary, to the purpose of reclaiming said lands." The Legislature, by an appropriation of two hundred thousand dollars for that purpose, have passed upon the necessity of that expenditure, and thereby sacredly pledged that amount exclusively to that purpose.

The amount now in that fund is as much, probably, as will be required the present season in execution of the law of eighteen hundred and sixty-one, providing for the reclamation of those lands. The faith of the State is pledged to its being thus used, and every consideration of public honor requires that it should be used exclusively for that purpose.

There are other considerations which might be urged as touching the constitutionality of the proposed transfer, but as the foregoing are to my mind sufficiently conclusive, I deem it unnecessary to urge them upon the attention of the Legislature.

LELAND STANFORD, Governor.

Mr. Van Dyke moved a call of the Senate.

Carried.

Absent—Messrs. Harvey and Kutz.

On motion of Mr. Gallagher, further proceedings under the call were dispensed with.

On the question, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Bogart, Crane, Denver, De Long, Doll, Gallagher, Gaskill, Hathaway, Hill, Holden, Irwin, Kimball, Lewis, Merritt, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Rhodes, Soule, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—27.

NOES—Messrs. Banks, Chamberlain, Harriman, Heacock, Nixon, Quint, Shafter, and Shurtleff—8.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 11th, 1862. }

*To the Honorable the Senate of California:*

I hereby nominate to the office of Port Warden of the Port of San Francisco, D. J. Staples, vice Charles R. Street, removed, and ask the concurrence of the Senate therein.

LELAND STANFORD, Governor.

The above message was made the special order for to-morrow, March twelfth, at a quarter past eleven o'clock, A. M.

The special order for seven o'clock, this evening, the Senate substitute for Assembly concurrent resolution No. 11, was, on motion of Mr. Van Dyke, discharged, and the subject made the special order for two o'clock to-morrow, March twelfth.

Mr. Porter introduced a bill for an Act to grant the right to construct a bridge across the Pajaro River.

Read first and second times, and referred to delegations from Santa Clara and Monterey.

Mr. Powers offered a concurrent resolution relative to introducing new business.

Lost.



## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 11th, 1862. }

MR. PRESIDENT:—The Assembly on Saturday last passed Assembly bill No. 76, an Act to prohibit actions to recover the possession of real property by virtue of Spanish or Mexican grants, until after a final confirmation of the boundaries of such grant by the proper authorities of the United States ;

Also, passed Senate bill No. 153, an Act to authorize James Craig, Guardian of the infant heirs of Michael Flanigan, deceased, to sell property in Tuolumne County ;

Also, Senate bill No. 194, an Act supplementary to an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight ;

Also, Senate bill No. 212, an Act amendatory of an Act to provide for funding the indebtedness of Yuba County, approved March twenty-sixth, eighteen hundred and fifty-seven ;

Also, Senate bill No. 213, an Act amendatory of an Act authorizing the County of Yuba to take and subscribe two hundred thousand dollars to a railroad company, etc. ;

Also, Senate bill No. 238, an Act to grant to James H. and Charles J. Deering the right to construct and maintain a bridge or bridges across the Tuolumne River ;

Also, Assembly bill No. 99, an Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth ;

Also, Assembly bill No. 225, an Act to regulate the proceedings of the Board of Supervisors of the County of San Diego, and to define their duties ;

Also, Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County, with amendments.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 76, above reported, an Act to prohibit actions to recover possession of real property, by virtue of Spanish or Mexican grants, until after a final confirmation of the boundaries of such grants by the proper authorities of the United States, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 99, an Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 225, an Act to regulate the proceedings of the Board of Supervisors of the County of San Diego, and to define their duties, was read first and second times, and referred to the Judiciary Committee.

The Senate concurred in Assembly amendments to Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County.

At fifteen minutes past three o'clock, P. M., on motion of Mr. Watt, the Senate adjourned.

J. F. CHELLIS,  
President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 12th, 1862. }

Senate met pursuant to adjournment.  
President pro tem. in the Chair.  
Roll called.  
Quorum present.  
Journal of yesterday read and approved.

## SPECIAL ORDER.

The Governor's message, appointing D. J. Staples to the office of Port Warden of the port of San Francisco, vice C. R. Street, removed. (the special order,) was taken up.

Upon the question, "Will the Senate advise and consent to the nomination?" the roll was called, with the following result:

AYES—MESSRS. Banks, Chamberlain, Crane, De Long, Doll, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Kimball, Kutz, Lewis, Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Van Dyke, and Warmcastle—28.

NOES—MESSRS. Bogart, Denver, Holden, Irwin, Merritt, Shurtleff, Watt, and Williamson—8.

## PETITIONS.

Mr. Heacock presented a petition of citizens of Sacramento County, in favor of amendments to the Attachment Law.

Referred to the Judiciary Committee.

Also, of citizens of Sacramento, against law relating to fisheries.

Referred to the Committee on Commerce and Navigation.

Mr. De Long moved to reconsider the vote by which Assembly bill No. 142, an Act for the relief of George W. Nixsen, was indefinitely postponed.

Carried, and bill placed on file.

## REPORTS.

Mr. Powers, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 78, an Act to establish a municipal or inferior Court in the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco;

Also, Senate bill No. 175, an Act in relation to the Register of the State Land Office; and report the same correctly engrossed.

POWERS, of the Committee.

Mr. Shafter made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom were referred the following bills, have examined the same and report:

Senate bills Nos. 98 and 102, with substitute, and recommend the passage of the substitute;

Also, Senate bill No. 112, and recommend its indefinite postponement;

Also, Senate bill No. 181, with an amendment, and recommend the passage of the bill as amended.

SHAFTER, for the Delegation.

Mr. Porter made the following report :

MR. PRESIDENT :—Your Committee to whom was referred Senate bill No. 293, an Act to grant the right to construct a bridge across the Pajaro River, report the same back, and recommend its passage.

A. L. RHODES,  
G. K. PORTER.

#### FURTHER SPECIAL ORDER.

The majority and minority reports of the Committee on Elections, in the contested election case of Cavis *vs.* Quint, (also special order for this day,) was taken up.

After being considered at length, Mr. Merritt moved to make the subject the special order for to-morrow, immediately after the reading of the Journal and presentation of petitions.

Carried.

Mr. Holden made the following report :

MR. PRESIDENT :—The delegation from Napa County, to which was referred Assembly bill No. 182, an Act to provide for the election of Supervisors of Napa County, have had the same under consideration, and report the bill back to the Senate, and recommend the indefinite postponement of the bill :

First—Because the bill adopts the old and repudiated system of electing Supervisors, by a general ticket throughout the county, instead of the present system of electing by districts.

Second—Because it would be special legislation.

Third—Because the effect of the bill would be to give the control of Napa County to the City of Napa.

All of which is respectfully submitted.

HOLDEN.

At twenty minutes past five o'clock, on motion of Mr. De Long, the Senate adjourned.

J. McM. SHAFTER,

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Thursday, March 13th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Holden presented a petition of citizens of Napa County, against the passage of Assembly bill No. 182.

Placed on file.

Mr. Parks presented a petition of citizens of Yuba County, against the exemption of the county from the Corporation Act of Road and Turnpike Companies.

Referred to Yuba delegation.

Mr. Powers, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 77, an Act to provide for the erection of a State Prison at or near the Town of Folsom, in the County of Sacramento ;

Also, Senate bill No. 234, an Act to authorize the construction of a marine railway on the western shore of the bay of San Francisco ;

Also, Senate bill No. 249, an Act to limit and define the civil jurisdiction of Justices of the Peace within the City and County of San Francisco ;

Also, Senate bill No. 279, an Act relating to the City Cemetery of the City of Sacramento.

POWERS, for Committee.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. De Long, for an Act to authorize the Board of Supervisors of Yuba County to levy a special tax, and to create a current fund, for county purposes.

Read first and second times, and referred to Yuba delegation.

Also, for an Act to amend an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty.

Read first and second times, and referred to Yuba delegation.

Also, for an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Nixon, from the Sacramento delegation, made the following report :

MR. PRESIDENT :—Your Committee to whom was referred Senate bill No. 251, an Act concerning the repair and construction of levees in the County of Sacramento, and the mode of raising revenue therefor, have had the same under consideration, report it back, with a substitute, and recommend the passage of the substitute.

NIXON,  
HEACOCK,

Sacramento Delegation.

Senate bill No. 251, above reported, was taken up, substitute adopted, read first and second times, and placed at top of file.



Senate bill No. 261, an Act to amend an Act amendatory and supplemental to an Act to provide revenue for the support of the Government of this State, was taken up, and Assembly amendments concurred in.

SPECIAL ORDER.

The consideration of the reports of the Committee on Elections on the contested election case of Cavis *vs.* Quint. (the special order of the day,) was continued.

On motion of Mr. Gallagher, at two o'clock, p. m. the Senate took a recess for fifteen minutes.

SENATE REASSEMBLED.

A communication was received from the officers of the University of the Pacific.

Placed on file.

The Chairman of the Enrolling Committee was instructed to deliver to the Sergeant-at-Arms the enrolled copy of Senate bill No. 152, an Act to transfer certain funds, with directions to place the same in the office of the Secretary of State.

The special order was then further considered.

On motion of Mr. Gaskill, Messrs. Harvey and Nixon were appointed a committee to examine a certain envelope given in evidence.

After an examination, they made the following report:

MR. PRESIDENT:—Your Committee to whom was referred envelope, have examined the same, and in their opinion said envelope was sealed with a mucilage made of wheat flour and water, although we cannot state positively that the mucilage was made of wheat flour and water, as it would require a chemical test to determine that fact.

O. HARVEY.

A. B. NIXON.

Mr. Lewis moved that certain ex parte testimony be admitted in evidence.

Upon which, the ayes and noes were demanded, by Messrs. Crane, Gaskill, and Soule, and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Denver, De Long, Doll, Gallagher, Harvey, Hill, Holden, Irwin, Lewis, Merritt, Vineyard, Watt, and Williamson—16.

NOES—Messrs. Chamberlain, Crane, Gaskill, Hathaway, Kimball, Kutz, Nixon, Oulton, Parks, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Van Dyke, and Warmcastle—17.

Mr. De Long moved a call of the Senate.

Carried.

Absent—Mr. Pacheco.

The further consideration of the contested election case was made the special order for to-morrow, immediately after reading of the Journal.

On motion of Mr. Shafter, at half past five o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Friday, March 14th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. De Long presented a petition of citizens of San Francisco, in relation to Pilot Laws.

Laid on the table.

Mr. Parks presented a petition of citizens of Yuba County, against the passage of Assembly bill No. 84.

Referred to Committee on Corporations.

Mr. Doll presented a petition of citizens of Tehama County, in regard to the boundary line of said county.

Referred to Committee on Counties and County Boundaries.

Mr. Gaskill presented a petition of citizens of Butte County, against the repeal of present Sunday Law.

Referred to the Committee on Public Morals.

Mr. Crane presented a petition of citizens of Alameda County, in favor of a law for the relief of settlers on the Alviso and Pacheco grant.

Referred to the Committee on Swamp and Overflowed Lands.

## REPORTS.

Mr. Powers, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 103, an Act concerning jury trials in Butte County;

Also, Senate bill No. 195, an Act to authorize Mrs. Mary Comstock and her minor children, Bertha Comstock, John Felt Comstock, and George Comstock, to sell their homestead;

Also, Senate bill No. 265, an Act to authorize J. H. B. Reynolds to dispose of certain real estate;

Also, Senate bill No. 239, an Act for the relief of the legatees of A. De Leur, deceased;

Also, Senate bill No. 63, an Act for the relief of W. D. Sawyer;

Also, Senate bill No. 262, an Act to amend an Act entitled an Act concerning the officers of Calaveras County and the collection of poll taxes, license taxes, and foreign miners' license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine;

And find the same correctly engrossed.

POWERS, for the Committee.

Mr. Perkins, from the Committee on Finance, made the following report:

MR. PRESIDENT:—The Committee on Finance, to whom was referred

Senate bill No. 241, an Act to appropriate money for the relief of destitute females in California, have had the same under consideration, and report the same back, without recommendation;

Also, have had under consideration Senate bill No. 57, an Act appropriating money for the benefit of certain orphan asylums in this State, and report the same back, with accompanying papers, without recommendation;

Also, have had under consideration Senate bill No. 289, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and report the same back, and recommend its indefinite postponement;

Also, have had under consideration Senate bill No. 65, an Act to exempt insurance companies organized in this State from paying a stamp tax, and report the same back, and recommend its indefinite postponement;

Also, have had under consideration Senate bill No. 210, an Act to amend section eighty of Revenue Act of May seventeenth, eighteen hundred and sixty-one, report the same back, and recommend its passage;

Also, have had under consideration Senate bill No. 252, an Act to abolish all laws for the collection of debts, and report the same back, and recommend its indefinite postponement;

Also, have had under consideration Senate bill No. 240, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one, report the same back, and recommend its passage;

Also, have had under consideration Senate bill No. 36, an Act to create a Contingent Fund in the County of Solano, and report the same back, and recommend its indefinite postponement;

Also, have had under consideration Senate bill No. 224, an Act to appropriate money for the erection of a building for the use of the Home for the care of the Inebriate, and report the same back, without recommendation;

Also, have had under consideration the petition of the Ladies' Protection and Relief Society, and report the same back, without recommendation;

Also, have had under consideration Senate bill No. 149, an Act to amend an Act entitled an Act to establish the salaries of the officers and pay of members of the Legislature, passed April twenty-first, eighteen hundred and fifty-six, and report the same back, with an amendment, and recommend its passage as proposed to be amended.

PERKINS, Chairman.

Mr. Parks, from the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims have had under consideration Senate bill No. 292, being claim of Paul R. Hunt, for expenses incurred, and services, in conveying commission of General Shields to Mexico, by order of Governor Downey, and amounting to three thousand five hundred dollars, beg leave to report the same back, and recommend that the claimant look to the General Government for the amount;

Also, Senate bill No. 230, being an Act to appropriate money to pay the claim of James W. Hawkins and Myron Norton, as Stamp Tax In-

spectors, amounting to one thousand five hundred and eighteen dollars, and report the same back, and recommend that the bill be indefinitely postponed, on the ground that they do not deem the State liable for the salary of an official after the Act creating his office had been repealed;

Also, the claim of Dr. Paul D'Heirry, for services as Surgeon at the State Prison, in the case of Patrick Brannan, amounting to four hundred and fifty dollars, and report the same back with the accompanying bill, and recommend the passage of the bill;

Also, Senate bill No. 120, being an Act to release certain claims on the part of the State, known as the Auctioneers' claims, and report the same back with a substitute bill, and recommend the passage of the substitute.

Your Committee applied to Gregory Yale, Esq., Counsel for the State, in connection with the Attorney-General, and he furnished the Committee with a history of all the cases, which we herewith transmit to the Senate. Upon examining the said statement, we find that the State has disbursed the following amounts in the prosecution of the suits against the Auctioneers, viz :

In costs in cases where the State has been successful .....	\$939 00
For costs in cases where the State has lost.....	340 00
Disbursed by Mr. Yale for contingent expenses .....	300 00
Amount paid Gregory Yale as Attorney for the State.....	1,241 00
<b>Total amount disbursed by the State.....</b>	<b>\$2,820 00</b>

Amount of fees due from the State to Gregory Yale.....	\$2,500 00
Amount due J. A. Thorne, Assistant to Special Counsel, and for disbursements.....	450 00
<b>Total amount due from the State .....</b>	<b>\$2,950 00</b>

Your Committee have been unable to ascertain that the Auctioneers have collected the one half per cent. in any great amount. The Committee also took into consideration the propriety of charging the Auctioneers during the time they did business as such, but Mr. Yale gave it as his opinion, after an examination of the case, that it would be impossible to arrive at any conclusion in regard to what class they would be chargeable under, or for the time they had done business, owing to the frequent changes in Auctioneer firms, with the exception of about four houses.

PARKS, Chairman.

Mr. Hill made the following report :

MR. PRESIDENT :—The delegation to whom was referred Assembly bill No. 147, an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County, report the same back, without amendment, and recommend its passage.

HILL.



Assembly bill No. 147, above reported, was taken up, amended, read third time, and passed.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 287, an Act to provide for the purchase of three hundred copies of Labatt's Digest of California Reports, beg leave to report that they have had the same under consideration, and report it back, with an amendment, and recommend its passage as amended.

A. L. RHODES, Chairman.

Mr. Soule, from the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 286, an Act to amend an Act for the protection of harbors, approved April twenty-third, eighteen hundred and sixty-one, have considered the same, report the same back, and recommend its passage.

SOULE, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gallagher, for an Act to exempt from forced sale and execution the property of persons in the United States Army or Navy.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Perkins, for an Act to regulate fees in office, passed April twenty-second, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Soule, for an Act to authorize and sanction the consolidation and fusion of certain joint stock associations therein named.

Read first and second times, and referred to Committee on Corporations.

Also, for an Act to amend an Act entitled an Act authorizing the Administrators of the estate of Gilbert A. Grant, deceased, to sell and convey real estate at private sale, approved May fourteenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bogart, for an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco.

Read first and second times, and placed on file.

Also, for an Act concerning the duties of the County Treasurer of the County of San Diego.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act authorizing Marcella Bojorgay Lopez to sell and convey the interests of her minor children in certain real estate.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Warmcastle, for an Act to create a Contingent Fund for the County of Contra Costa.

Read first and second times, and placed on file.

By Mr. Porter, for an Act for the relief of Martha Buckelew, Executrix of the last will and testament of Benjamin R. Buckelew, deceased.

Read first and second times, and referred to Committee on Claims.

By Mr. Chamberlain, for an Act to authorize the Controller of State to employ an additional Clerk.

Read first and second times, and referred to the Committee on Finance.

By Mr. Banks, for an Act to provide for street railroads in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Holden, for an Act to amend an Act entitled an Act in relation to trial jurors in the Courts of Sessions and County Courts of certain counties in this State, approved April sixth, eighteen hundred and fifty-nine.

Read first and second times, and placed on file.

By Mr. Gaskill, for an Act to appropriate certain funds.

Read first and second times, and placed on file.

The consideration of the contested election case of Cavis *vs.* Quint was then taken up.

The resolution accompanying the majority report of the Committee on Elections was read as follows:

*Resolved*, That the said Leander Quint, the present incumbent, is not entitled to the seat now occupied by him in this Senate, but that the said Joseph M. Cavis is entitled to said seat, as the legally elected Senator from said Twelfth Senatorial District.

Upon the adoption of the majority report and the resolution accompanying the same, the ayes and noes were demanded, by Messrs. De Long, Merritt, and Soule, and taken, with the following result:

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harvey, Hathaway, Kimball, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Van Dyke—17.

NOES—Messrs. Baker, Bogart, Denver, De Long, Doll, Gallagher, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Parks, Pacheco, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—19.

Messrs. Burnell and Harriman were excused from voting.

The resolution accompanying the minority report of the Committee on Elections was read as follows:

*Resolved*, That Leander Quint is the legally elected Senator from the Twelfth Senatorial District, composed of the Counties of Tuolumne and Mono.

Upon the adoption of the minority report and resolution, the ayes and

noes were demanded, by Messrs. Perkins, Gaskill, and Doll, and taken, with the following result:

AYES—MESSRS. Baker, Bogart, Denver, De Long, Doll, Gallagher, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Parks, Pachecho, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—19.

NOES—MESSRS. Banks, Chamberlain, Crane, Gaskill, Harvey, Hathaway, Kimball, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Van Dyke—17.

Messrs. Burnell and Harriman were excused from voting.

So the resolution was adopted.

Mr. Van Dyke gave notice that on to-morrow he would submit an amendment to Standing Rule Number Twenty-Seven, changing the time of the meeting of the Senate from eleven o'clock, to ten o'clock, A. M.

On motion of Mr. Irwin, at fifteen minutes past five o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER, }  
Saturday, March 15th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

#### PETITIONS.

Mr. Shafter presented a petition of eight thousand four hundred and thirty citizens of San Francisco, in relation to outside lands.

Referred to the San Francisco delegation.

Mr. Banks presented a petition of citizens of San Francisco, against Chinese immigration.

Referred to the Committee on Mines and Mining Interests.

#### REPORTS.

Mr. Kutz, from the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 248, an Act to define the boundaries of Sutter County, have had the same under consideration, and respectfully report it back, without recommendation.

KUTZ, Chairman.

Mr. Pacheco, from the Committee on Public Lands, made the following report :

MR. PRESIDENT:—Your Committee on Public Lands report back Senate bill No. 54, an Act to amend an Act entitled an Act amendatory and supplementary to an Act to provide for the location and sale of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight, and the Act amendatory thereof, approved February thirteenth, eighteen hundred and fifty-nine, approved April twenty-second, eighteen hundred and sixty-one, together with a substitute, and beg that the same be adopted in lieu of the original bill.

R. PACHECO, Chairman.

Mr. Van Dyke, from the Committee on Military Affairs, made the following report :

MR. PRESIDENT:—The Committee on Military Affairs, to whom was recommitted Senate bill No. 133, an Act to provide for the pay of Captains who have recruited and raised companies for the regiments of Volunteers of this State, under the requisition of the President of the United States, and who are now actually in service of the United States, under commission of the Governor of this State, have had the same under consideration, and report the same back, without recommendation.

VAN DYKE, Chairman.

Mr. Soule, from the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 285, an Act to amend an Act entitled an Act to amend an Act to prohibit the erection of weirs or other obstructions to the run of salmon, passed April twelfth, eighteen hundred and fifty-two, passed May tenth, eighteen hundred and fifty-four, have considered the same, and not being able to agree, report the same back, without recommendation.

SOULE, Chairman.

On motion of Mr. Watt, the vote by which the petition presented by Mr. Banks was received, was reconsidered, and the petition rejected.

Mr. Shafter, from the San Francisco delegation, made the following report :

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 156, relative to fees and salaries of officers in the City and County of San Francisco, have considered the same, and report the same back, with the following amendments :

Strike out lines thirteen and fourteen, on page one.

Strike out, in lines four and five, on page two, the words "excepting the compensation for seizure and sale of personal property."

And, so amended, they recommend the passage of the bill.

SHAFTER, for Delegation.



Mr. Banks made a verbal report, recommending the passage of Senate bill No. 282, with amendments.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT, }  
Sacramento, March 13th, 1862.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 81, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one ;

Also, Senate bill No. 209, an Act relating to the interest tax of Siskiyou County ;

Also, Senate bill No. 18, an Act for the payment of expenses incurred in the suppression of Indian hostilities in the County of Humboldt, in this State ;

Also, Senate bill No. 155, an Act to amend an Act entitled an Act to incorporate the Town of Eureka, approved April ninth, eighteen hundred and fifty-nine ;

Also, Senate bill No. 138, an Act to provide for the transcribing of the records of surveys in Sonoma County ;

Also, Senate bill No. 161, an Act to transcribe certain records in the Town of Shasta ;

Also, Senate bill No. 45, an Act for the relief of Peter Lothian, former Sheriff of Humboldt County ;

Also, Senate bill No. 38, an Act to authorize the State Treasurer to issue certain War Bonds ;

Also, Senate bill No. 47, an Act in relation to public roads in the County of Amador, and to the Road Fund of said county.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT, }  
Sacramento, March 13th, 1862.

*To the Honorable the Senate of California :*

I herewith transmit to your honorable body the report of the Board of State Capital Commissioners, and the accompanying documents, in accordance with Senate concurrent resolution No. 7. There being but one copy of this report, I would ask that the Assembly be advised of its reception by your honorable body.

LELAND STANFORD, Governor.

The above message was referred to the Committee on Public Buildings.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 12th, 1862.

MR. PRESIDENT:—The Assembly have this day amended and passed substitute for Senate bill No. 4, an Act to authorize William McInturf and associates to construct a wharf, mooring piles, and a chute or dry sluice, at Port McInturf, in Mendocino County ;

Also, passed substitute for Senate bill No. 169, an Act to submit the location of the county seat of Stanislaus County to the qualified electors thereof;

Also, passed Senate bill No. 170, an Act concerning the sale of certain school lands in Tulare County;

Also, passed Senate bill No. 203, an Act to authorize the officers of Visalia Lodge of Free and Accepted Masons to sell and convey certain property belonging to said Lodge.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 14th, 1862. }

MR. PRESIDENT:—The House, on the twelfth instant, passed Assembly bill No. 248, an Act to authorize the Board of Supervisors of Klamath County to levy a special tax, and to create a Redemption Fund, for the payment of county indebtedness;

Also, on the eleventh instant, passed Assembly bill No. 245, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to levy a special tax, and to provide for building a bridge in said county, approved April fifteenth, eighteen hundred and sixty-one, and to dispose of the fund accumulated under said Act;

Also, yesterday, concurred in Senate amendments to Assembly bill No. 128, an Act making the County Treasurer of Trinity County a salaried officer.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 12th, 1862. }

MR. PRESIDENT:—The Assembly yesterday concurred in Senate amendments to Assembly bill No. 121, an Act to provide for Public Administrator in certain counties;

Also, passed Senate bill No. 152, notwithstanding the objections of the Governor;

Also, passed Assembly bill No. 26, an Act to repeal sections four and five of an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one;

Also, passed Assembly bill No. 27, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, passed May twentieth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 91, an Act to authorize the parties therein named to construct and maintain a wharf;

Also, passed Assembly bill No. 117, an Act to amend an Act amendatory of and to extend the provisions of an Act entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, approved April twenty-fourth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 176, an Act to authorize the Trustees of the Rural Cemetery to remove human remains from graveyards in the City of Stockton and vicinity;

Also, passed Assembly bill No. 179, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco;

Also, passed Assembly bill No. 208, an Act legalizing roads in Tuolumne County;

Also, passed Assembly bill No. 250, an Act supplementary to and amendatory of an Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act to authorize the formation of corporations for the construction of plank and turnpike roads, passed May twelfth, eighteen hundred and fifty-three, approved April twenty-eighth, eighteen hundred and fifty-seven;

Also, the Assembly this day amended and passed Senate bill No. 261, an Act to amend an Act amendatory of and supplementary to an Act to provide revenue for the support of the Government of this State, approved April twenty-fifth, eighteen hundred and fifty-seven, approved April fifteenth, eighteen hundred and fifty-nine, and of said Act approved April twenty-fifth, eighteen hundred and fifty-seven;

Also, passed Assembly bill No. 124, an Act to prevent certain animals from running at large in Napa City;

Also, passed Assembly bill No. 159, an Act to annex the County of Contra Costa to the Fourth Judicial District;

Also, passed Assembly bill No. 190, an Act to authorize the administrator of the estate of Daniel B. Mosby, deceased, to sell and convey real estate;

Also, this day passed Assembly bill No. 157, an Act to amend an Act entitled an Act to provide for the incorporation of railroad corporations, etc.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER,

March 13th, 1862. }

MR. PRESIDENT:—The Assembly yesterday passed Assembly bill No. 67, an Act to authorize and empower William H. Kelly to construct and maintain booms in Gasper creek, in Mendocino County;

Also, have passed Assembly bill 199, an Act amendatory of and supplementary to an Act to provide for the construction of a McAdamized road within the limits of the City and County of San Francisco, which became a law on the twelfth of April, eighteen hundred and sixty-one;

Also, have passed Assembly bill No. 210, an Act to repeal an Act to amend an Act concerning the indigent sick in the County of Placer;

Also, have passed Assembly bill No. 216, an Act to amend the charter of the City of Petaluma;

Also, have passed Assembly bill No. 203, an Act to pay the claim of William P. Michenor;

Also, have to-day passed Senate bill No. 227, an Act to authorize José Lorenzo de Jesus Maria Piña to sell real estate.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER,

March 14th, 1862. }

MR. PRESIDENT:—The House this day passed Assembly bill No. 75, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one;

Also, have passed Assembly bill No. 77, an Act to provide revenue for the support of the Government of this State, from a tax upon foreign and inland bills, passengers, insurance companies, and other matters;

Also, have passed Assembly bill No. 71, an Act amendatory of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, etc.;

Also, have passed Assembly bill No. 123, an Act to authorize the Guardian of Stephen C. Powell to sell and convey certain real estate.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES

The Senate refused to concur in Assembly amendments to substitute for Senate bill No. 4, above reported.

Assembly bill No. 248, above reported, read first and second times, and referred to Klamath delegation.

Assembly bill No. 245, above reported, read first and second times, and referred to Calaveras delegation.

Assembly bill No. 75, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 75, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 71, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 123, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 27, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 117, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 159, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 190, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 67, above reported, read first and second times, and referred to Napa and Mendocino delegation.

Assembly bill No. 124, above reported, read first and second times, and referred to Napa and Mendocino delegation.

Assembly bill No. 199, above reported, read first and second times, and placed on file.

Assembly bill No. 219, above reported, read first and second times, and referred to Placer delegation.

Assembly bill No. 216, above reported, read first and second times, and referred to Sonoma delegation.

Assembly bill No. 203, above reported, read first and second times, and referred to Committee on Claims.

Assembly bill No. 26, above reported, read first and second times, and referred to Committee on Agriculture.

Assembly bill No. 91, above reported, read first and second times, and referred to Committee on Commerce and Navigation.

Assembly bill No. 176, above reported, read first and second times, and referred to San Joaquin delegation.

Assembly bill No. 179, above reported, read first and second times, and referred to San Francisco delegation.



Assembly bill No. 208, above reported, read first and second times, and referred to Tuolumne delegation.

Assembly bill No. 250, above reported, read first and second times, and referred to Committee on Corporations.

Assembly bill No. 157, above reported, read first and second times, and referred to Committee on Corporations.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Harvey, for an Act supplementary to and amendatory of an Act entitled an Act in relation to public roads in the County of El Dorado and the Road Fund of said county, approved February twenty-seventh, eighteen hundred and sixty-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

By Mr. Quint, for an Act to authorize T. Willingham to sell and convey certain real estate and other property in the County of Tuolumne.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Merritt, for an Act to fund the outstanding indebtedness of the County of Mariposa now existing in the form of County Auditor's warrants drawn on the Indigent Sick Fund, and that may be outstanding on the first day of September, A. D. eighteen hundred and sixty-two, and to provide for the payment of the same.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Crane, for an Act for the regulation of the telegraph, and fidelity in the transmission of telegraphic messages.

Read first and second times, and referred to the Judiciary Committee.

Mr. Irwin presented certain accounts, which were referred to the Committee on Contingent Expenses.

#### GENERAL FILE.

Substitute for Senate bill No. 251, an Act concerning the repair and construction of levees in the County of Sacramento, and the mode of raising revenue therefor—amended, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 166, an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte—read third time, and passed.

Senate bill No. 293, an Act to grant the right to construct a bridge across the Pajaro River—rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Substitute for Senate bill No. 93—placed at top of file for Monday, the seventeenth instant.

Senate bill No. 248, an Act to provide for the construction of a wagon road from Red Bluff to the eastern boundary line of this State, near Honey Lake—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 37, an Act to divide the State into Congressional Districts, and to fix the time for electing Representatives to Congress.

Mr. Watt moved a call of the Senate.

Carried.

Absent—Messrs. Baker, Thomas, Irwin, and Kimball.

Mr. Powers moved to suspend further proceedings under the call.

Upon which, the ayes and noes were demanded, by Messrs. Quint, Watt, and Lewis, and taken, with the following result :

AYES—Messrs. Chamberlain, Crane, Harriman, Hathaway, Heacock, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, and Soule—14.

NOES—Messrs. Banks, Bogart, Denver, De Long, Doll, Gallagher, Gaskill, Harvey, Hill, Holden, Lewis, Merritt, Parks, Pacheco, Quint, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—21.

Mr. Irwin appeared at the bar, and was excused.

Mr. Parks moved that further proceedings under the call be dispensed with.

Upon which, the ayes and noes were demanded, by Messrs. Perkins, Chamberlain, and Soule, and taken, with the following result :

AYES—Messrs. Bogart, Denver, De Long, Doll, Gallagher, Gaskill, Harvey, Harriman, Holden, Irwin, Lewis, Merritt, Oulton, Parks, Quint, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—21.

NOES—Messrs. Banks, Chamberlain, Crane, Hathaway, Heacock, Hill, Kutz, Nixon, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, and Soule—15.

On the adoption of the substitute, the ayes and noes were demanded, by Messrs. Doll, Holden, and De Long, and taken, with the following result :

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Heacock, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, and Soule—16.

NOES—Messrs. Baker, Bogart, Denver, De Long, Doll, Gallagher, Harvey, Hill, Holden, Irwin, Lewis, Merritt, Parks, Pacheco, Quint, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—21.

So the substitute was rejected.

The bill was then considered as in Committee of the Whole, and reported with amendments.

On the adoption of the amendments, Mr. Baker moved a division of the question, and that each amendment be acted upon separately.

Carried.

First—On striking out "Contra Costa" from the First District, and adding the same to the Second District, was put.

Upon its adoption, the ayes and noes were demanded, by Messrs. Doll, Shurtleff, and Chamberlain, and taken, with the following result :

AYES—Messrs. Banks, Chamberlain, Gaskill, Harriman, Hathaway, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Van Dyke, and Warmcastle—16.

NOES—Messrs. Baker, Denver, De Long, Doll, Gallagher, Harvey, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Parks, Pacheco, Quint, Shurtleff, Vineyard, Watt, and Williamson—19.

Second—To strike out "Marin" from Third District, and add the same to the Second District.

Lost.

Third—To strike out "Tulare" from First District, and add the same to the Second District.

Lost.

Mr. Doll moved the previous question.

Lost.

Mr. Gaskill moved to strike out "Contra Costa and Alameda" from the First District, and add the same to the Second District.

Upon which, the ayes and noes were demanded, by Messrs. Hathaway, Powers, and Warmcastle, and taken, with the following result :

AYES—Messrs. Chamberlain, De Long, Gaskill, Harriman, Hathaway, Heacock, Kutz, Perkins, Powers, Rhodes, Shafter, Soule, and Warmcastle—13.

NOES—Messrs. Baker, Bogart, Denver, Doll, Harvey, Hill, Holden, Irwin, Lewis, Merritt, Parks, Pacheco, Shurtleff, Van Dyke, Vineyard, Watt, and Williamson—17.

Mr. Powers moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Doll, Watt, and Shurtleff, and taken, with the following result :

AYES—Messrs. Powers, Shafter, and Soule—3.

NOES—Messrs. Baker, Bogart, Chamberlain, Denver, De Long, Doll, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Rhodes, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—30.

Mr. Gaskill moved to amend by striking out all after the enacting clause, and inserting the substitute reported by majority of Committee on Federal Relations.

Lost.

The rules were suspended, bill considered engrossed, and read third time.

Upon its passage, the ayes and noes were demanded, by Messrs. Porter, Powers, and Perkins, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Denver, De Long, Doll, Harvey, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Parks, Shurtleff, Van Dyke, Vineyard, Watt, and Williamson—18.

NOES—Messrs. Chamberlain, Gaskill, Harriman, Kutz, Nixon, Oulton, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Warmcastle—14.

On motion of Mr. Irwin, at half past three o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Monday, March 17th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of Saturday last read and approved.

Mr. Crane was granted indefinite leave of absence.

## REPORTS.

Mr. Banks, from the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 273, an Act to reincorporate the City of Stockton, have considered the same, and report the same back without recommendation;

Also, verbal report, recommending indefinite postponement of Assembly bill No. 250.

BANKS, Chairman.

Senate bill No. 273, above reported, was referred to the San Joaquin delegation.

Mr. Parks made the following report:

MR. PRESIDENT:—Your Committee to whom was referred Senate bill No. 289, an Act to create the County of Alturas, have had the same under consideration, and a majority of your Committee recommend its passage.

PARKS, Chairman.

Mr. Denver, from the Finance Committee, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom were referred Senate bills Nos. 94 and 136, have had the same under consideration, and herewith report back a substitute for the two bills.

DENVER, for the Committee.

## INTRODUCTION OF BILLS.

Bill were introduced as follows:

By Mr. De Long, for an Act for the relief of S. H. Brooks, late Controller of State.

Read first and second times, and referred to Committee on Claims.

By Mr. Rhodes, for an Act to amend an Act to incorporate the City of San José, passed March sixteenth, eighteen hundred and fifty-nine.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

By Mr. Hathaway, for an Act to provide for the retention of the hides of cattle killed or slaughtered in San Mateo County.



Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Also, an Act to authorize William Sherman, Administrator of the estate of George S. Steele, deceased, and Guardian of the minor heirs of said Steele, to sell the real estate at public or private sale.

Read first and second times, and placed on file.

By Mr. Oulton, for an Act to amend an Act to provide for the obtainment, preservation, and distribution of vaccine matter, approved March twenty-seventh, eighteen hundred and fifty-two.

Read first and second times, and referred to the Hospital Committee.

By Mr. Rhodes, for an Act to amend an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Holden, for an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

By Mr. Quint, for an Act to amend an Act to fix the terms of the District Court in the County of Mono.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

By Mr. Harriman, for an Act to grant the right of way to construct a toll bridge across Bear River, to certain parties therein named.

Read first and second times, and referred to Placer and Nevada delegations.

By Mr. Heacock, for an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State.

Read first and second times, and referred to the Judiciary Committee.

Mr. Van Dyke, pursuant to notice, offered the following amendment to Rule Twenty-Seven:

In the first line, strike out the word "eleven," and insert "ten."

Upon the adoption of the amendment, the ayes and noes were demanded, by Messrs. Powers, Soule, and Hathaway, and taken, with the following result:

AYES—Messrs. Chamberlain, Gaskill, Harvey, Harriman, Hathaway, Kimball, Kutz, Lewis, Oulton, Parks, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Watt—17.

NOES—Messrs. Baker, Banks, Bogart, Burnell, Denver, De Long, Hill, Holden, Irwin, Merritt, Nixon, Pacheco, Perkins, Porter, Quint, Vineyard, and Williamson—17.

So the amendment was lost.

On motion of Mr. Burnell, Senate bill No. 225, an Act for the relief of William J. Paugh, late Sheriff of Amador County, was taken from the table.

The rules were suspended, the bill considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Merritt moved that the Senate do now adjourn, in honor of Saint Patrick.

Upon which, the ayes and noes were demanded, by Messrs. Parks, Rhodes, and Soule, and taken, with the following result:

AYES—Messrs. Bogart, Burnell, Denver, Gaskill, Harvey, Harriman, Hathaway, Hill, Holden, Irwin, Lewis, Merritt, Nixon, Pacheco, Perkins, Quint, Vineyard, and Williamson—18.

NOES—Messrs. Banks, Chamberlain, Doll, Kimball, Kutz, Oulton, Parks, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Watt—15.

So at fifteen minutes past twelve o'clock the Senate adjourned.

J. McM. SHAFTER.

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 18th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. Chamberlain made the following report :

MR. PRESIDENT :—The undersigned, to whom were referred Senate bill No. 273, an Act to incorporate the City of Stockton, and Assembly bill No. 176, an Act to authorize the Trustees of the Stockton Rural Cemetery to remove human remains from graveyards in the City of Stockton and vicinity, having had the same under consideration, report the same back, and recommend their passage.

C. H. CHAMBERLAIN,  
F. M. WARMCASTLE.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 216, an Act amendatory of an Act to regulate proceedings in civil cases in Courts of Justice in this State, beg leave to report that they have had the same under consideration, and report it back, with an amendment, and recommend its passage, as amended ;

They have also considered Senate bill No. 302, an Act for the relief of Martha Buckelew, Executrix of the last will and testament of Benjamin R. Buckelew, and recommend that the same be referred to the Committee on Claims ;

They have also considered Assembly bill No. 117, an Act to amend an Act amendatory of, and to extend the provisions of an Act entitled an Act to amend an Act to exempt the homestead, and other property, from

forced sale, in certain cases, approved April twenty-fourth, eighteen hundred and sixty-one, and recommend that the same be indefinitely postponed;

They have also considered Assembly bill No. 76, an Act to prohibit actions to recover the possession of real property, by virtue of Spanish or Mexican grants, until after a final confirmation of the boundaries of such grants by the proper authorities of the United States, and recommend its indefinite postponement;

They have also considered Assembly bill No. 159, an Act to annex the County of Contra Costa to the Fourth Judicial District, and recommend its indefinite postponement;

They have also considered Assembly bill No. 99, an Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth, and recommend its indefinite postponement;

They have also considered Senate bill No. 58, an Act creating the Eighteenth Judicial District, and report the same back with a substitute, and recommend the passage of the substitute;

They have also considered the following special Acts, and report them back, without recommendation:

Assembly bill No. 190, an Act to authorize the Administrator of the estate of Daniel B. Mosby, deceased, to sell and convey real estate;

Senate bill No. 308, an Act to authorize Marcella Bojorguez Lopez to sell and convey the interest of her minor children in certain real estate;

Assembly bill No. 123, an Act to authorize the Guardian of Stephen C. Powell to sell and convey certain real estate;

Senate bill No. 307, an Act to amend an Act authorizing the Administrator of the estate of G. A. Grant, deceased, to sell real estate at private sale, approved April fourteenth, eighteen hundred and sixty-one;

Senate bill No. 275, an Act to authorize Philip G. Galpin, Guardian, to compromise claims, and convey certain real estate;

Assembly bill No. 45, an Act to authorize the Guardian of certain minor children to convey their real estate;

Senate bill No. 316, an Act to authorize T. Willingham to sell and convey certain real estate and other property, in the County of Tuolumne.

A. L. RHODES, Chairman.

Mr. Shafter, from the San Francisco delegation, made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom were referred the following bills, have had the same under consideration, and report:

Assembly bill No. 179—Amend lines four and five, section one, by striking out "and five hundred," and when so amended, recommend its passage;

Senate bill No. 266—Amend section one, line three, by striking out "and required," and that as amended, the bill ought to pass;

Senate bill No. 309—That the same be indefinitely postponed.

SHAFTER, for Delegation.

Mr. Hill made a verbal report, recommending the passage of Assembly bill No. 216, an Act to amend the charter of the City of Petaluma.

Mr. Doll, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 37, an Act to divide the State into Congressional Districts, and to fix the time for electing Representatives to Congress;

Also, Senate bill No. 248, an Act to provide for the construction of a wagon road from Red Bluff to the eastern boundary of this State, near Honey Lake;

And report the same correctly engrossed.

DOLL, of Committee.

Mr. Gaskill made a verbal report, recommending the passage of Senate bill No. 235, an Act in relation to the Board of Supervisors in and for Butte County, and concerning their powers.

Mr. Lewis made the following report:

Mr. PRESIDENT:—The delegation from Calaveras, to whom was referred Assembly bill No. 245, an Act to repeal an Act to authorize the Board of Supervisors of Calaveras County to levy a special tax, and to provide for the building of a bridge in said county, approved April fifteenth, eighteen hundred and sixty-one, and to dispose of the fund accumulated under said Act, have examined the same, beg leave to report the same back, and recommend its passage.

WM. T. LEWIS,

P. A. GALLAGHER.

Mr. Hathaway made the following report:

Mr. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 40, have had the same under consideration, and ask leave to report the same back, and a majority of said delegation recommend the passage of the bill.

HATHAWAY, for the Delegation.

Mr. Parks moved that the Secretary be instructed to select from the general file all local and special bills, and that said bills be made the special order for Thursday next, in the order in which they come on file.

Carried.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 17th, 1862. }

Mr. PRESIDENT:—The House, on the thirteenth instant, passed Assembly bill No. 18, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate the sum of thirteen hundred dollars to Volunteer Engine Company No. 7, of said city and county;

Also, on the thirteenth instant, passed Assembly bill No. 168, an Act for the compensation of the County Judge of Nevada County;

Also, on the same day, passed Assembly bill No. 104, an Act in relation to public roads in the County of Calaveras, etc.;

Also, on the same day, passed Assembly bill No. 220, an Act to authorize the issuance of a patent to Maurice J. Dooly for certain lands in San Joaquin County;

Also, on same day, passed Assembly bill No. 232, an Act to change the name of Anna Eliza Weir;



Also, on the fifteenth instant, passed Assembly bill No. 288, an Act to correct a clerical error in an Act entitled an Act to transfer certain funds, passed March eleventh, eighteen hundred and sixty-two;

Also, on same day, passed Assembly bill No. 296, an Act for the relief of the indigent sick, and to confer further powers upon the Board of Supervisors of the City and County of San Francisco;

Also, on same day, refused to concur in Senate amendments to Assembly bill No. 147, an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County;

Also, on same day, the House resolved to adhere to Assembly amendments to Senate bill No. 4, an Act to authorize William McInturf and associates to construct a wharf, mooring piles, and a chute, or dry sluice, at Port McInturf, in Mendocino County, and appointed Messrs. Warwick, Ames, and Smith of Sierra, a Committee of Free Conference on the part of the House, to confer with a like committee on the part of the Senate on the disagreeing vote of the two Houses;

Also, on same day, passed Senate bill No. 182, an Act concerning hogs running at large in El Dorado County;

Also, passed Assembly bill No. 199, an Act to grant to E. P. Bowman and his associates the right to construct a bridge across the Cosumnes River, etc.;

Also, passed Senate bill No. 222, an Act concerning fees in office in certain cases in the County of Tehama, and to consolidate certain offices;

Also, passed Senate bill No. 268, an Act granting certain privileges to citizens of Grass Valley, Nevada County;

Also, passed Senate bill No. 279, an Act relating to the City Cemetery of the City of Sacramento;

Also, passed Senate bill No. 278, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Coloma, in the County of El Dorado;

Also, passed Senate bill No. 293, an Act to construct a bridge across the Pajaro River.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 168, an Act to fix the compensation of the County Judge of Nevada County, read first and second times, and referred to Nevada delegation.

Assembly bill No. 104, an Act in relation to public roads in the County of Calaveras and to the Road Fund of said county, read first and second times, and referred to the Calaveras delegation.

Assembly bill No. 220, an Act to authorize the issuance of a patent to Maurice J. Dooly for certain lands in San Joaquin County, read first and second times, and referred to Committee on Public Lands.

Assembly bill No. 232, above reported, read first and second times, and referred to the Senator from Sutter.

Assembly bill No. 288, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Assembly bill No. 296, above reported, read first and second times, and referred to San Francisco delegation.

The Senate recessed from its amendments to Assembly bill No. 147, above reported.

Messrs. Holden, Van Dyke, and Soule, were appointed Committee of

Free Conference on the disagreeing vote of the two Houses on substitute for Senate bill No. 4, above reported.

Assembly bill No. 180, above reported, read first and second times, rules suspended, bill amended, read third time, and passed.

#### GENERAL FILE.

Substitute for Senate bill No. 93, an Act to provide for a gradually increasing license tax upon Mongolians in this State.

Mr. Merritt moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Gallagher, Perkins, and Quint, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Burnell, Denver, Doll, Gaskill, Harvey, Harriman, Hill, Holden, Merritt, Nixon, Parks, Pacheco, Perkins, Porter, Rhodes, Shafter, Soule, Van Dyke, and Warmcastle—21.

NOES—Messrs. Banks, Chamberlain, Gallagher, Heacock, Irwin, Kimball, Kutz, Lewis, Oulton, Quint, Shurtleff, Vineyard, Watt, and Williamson—14.

Mr. Perkins presented a petition of citizens of San Francisco, in favor of the passage of Senate bill No. 214.

Referred to Finance Committee.

#### REPORTS.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 267, an Act to amend an Act amendatory of and supplemental to an Act to provide revenue for the support of the Government of this State, approved April twenty-fifth, eighteen hundred and fifty-seven, approved April fifteenth, eighteen hundred and fifty-nine, and of said Act, approved April twenty-fifth, eighteen hundred and fifty-seven, and this day, March eighteenth, at half past eleven, A. M., delivered the same to his Excellency the Governor, for his approval.

PORTER, Chairman.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 218, an Act for the relief of the contractors upon the foundation and basement walls of the State Capitol building at Sacramento, beg leave to report that they have had the same under consideration, and report the bill back with a substitute, and recommend the passage of the substitute ;

They have also considered Senate bill No. 61, an Act to suspend, until the ensuing session of the Legislature, the construction of the State Capitol, now in process of erection in the city of Sacramento, and recommend its indefinite postponement.

RHODES, Chairman.

On motion of Mr. Watt, at half past four o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 19th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. Powers, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, substitute for Senate bill No. 251, an Act concerning the repair and construction of levees in the County of Sacramento, and the mode of raising revenue therefor.

POWERS, of Committee.

Mr. Parks, from the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims have had under consideration Assembly bill No. 203, an Act to pay W. P. Michenor for fitting up rooms of Supreme Court, amounting to four thousand and seventy-two dollars and fifty-one cents, and report the same back, and recommend the passage of the bill ;

Also, Senate bill No. 271, for the re-issuance of certain land warrants to Thomas Mooney and Michael Riley, and beg leave to report the same back, and recommend the passage of the bill.

PARKS, Chairman.

Mr. Shafter made a verbal report, recommending passage of Assembly bill No. 296, an Act for the relief of the indigent sick, and to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

Bill read third time, and passed.

Mr. Harvey, from the Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT :—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 288, an Act to correct a clerical

error in an Act to transfer certain funds, passed March eleventh, eighteen hundred and sixty-two, have had the same under consideration, and report the same back, and recommend its passage without amendment.

HARVEY, Chairman.

Mr. Parks made the following report :

MR. PRESIDENT :—The Special Committee of one, to whom was referred Assembly bill No. 232, an Act to change the name of Anna Eliza Weir, has had the same under consideration, and the Committee is of the opinion that there is ample opportunity for females to change their names in this State without legislative aid ; but, as the said Anna Weir is an infant, and as her stepfather is desirous that she should assume his name, the Committee would most respectfully recommend the passage of the bill.

W. H. PARKS.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 313, an Act for the regulation of the telegraph, and secrecy and fidelity in the transmission of telegraphic messages, beg leave to report that they have had the same under consideration, and report it back, with amendments, and recommend its passage as amended ;

Also, Assembly bill No. 27, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and the other Acts amendatory thereto, passed May twentieth, eighteen hundred and sixty-one, and report the same back, with an amendment, and recommend its passage as amended ;

Also, Senate bill No. 223, with the same title as above, and recommend its indefinite postponement ;

Also, Senate bill No. 323, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and recommend its passage.

RHODES, Chairman.

Mr. Gaskill, of the Butte and Plumas delegation, made the following report :

MR. PRESIDENT :—The delegation from Butte and Plumas have had under consideration Senate bill No. 145, and report the same back, with a substitute, and recommend the passage of the substitute.

GASKILL,  
IRWIN.

Mr. Banks, from the Committee on Corporations, made the following report :

MR. PRESIDENT :—The Committee on Corporations, having had under consideration Senate bill No. 300, an Act to authorize the consolidation and fusion of certain joint stock associations therein named, beg leave to report the same back, and recommend its passage ;

Also, Assembly bill No. 157, an Act amending the general Railroad Act, and recommend its passage.

BANKS, Chairman.



## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
Sacramento, March 18th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 261, an Act to amend an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and of an Act amendatory of and supplementary to said Act, approved April nineteenth, eighteen hundred and fifty-nine.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
Sacramento, March 18th, 1862. }

*To the Honorable the Senate of California:*

I herewith transmit to your honorable body a memorial from James W. Nye, Isaac Roop, and R. M. Ford, Commissioners on the part of Nevada Territory, to determine the boundary line between the State of California and the Territory of Nevada.

There being but one copy of the memorial, I would suggest that the Assembly be informed of its reception by your honorable body.

LELAND STANFORD, Governor.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER. }  
March 17th, 1862. }

Mr. PRESIDENT:—The Assembly, on the fifteenth, passed Assembly bill No. 31, an Act to prohibit the keeping open of markets, and the vending of meats, game, vegetables, or other market products, in the City and County of San Francisco, on the Sabbath day.

W. N. SLOCUM.

Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 17th, 1862. }

Mr. PRESIDENT:—The Assembly yesterday passed Assembly bill No. 300, an Act to grant the right to construct and maintain a bridge across the Mokelumne River, to certain parties therein named;

Also, passed Assembly bill No. 256, an Act to authorize Catharine Myers, Administratrix of the estate of Christopher Myers, deceased, to dispose of real estate at public or private sale;

Also, passed Assembly bill No. 211, an Act to district the County of Tuolumne into Supervisor Districts;

Also, passed Assembly bill No. 133, an Act to provide for the appointment of Notaries Public, and defining their duties.

W. N. SLOCUM.

Assistant Clerk.

ASSEMBLY CHAMBER,  
March 18th, 1862. }

Mr. PRESIDENT:—The Assembly to-day passed Senate bill No. 127, an Act to pay the Board of Managers of the State Institution of the Indigent Deaf, Dumb, and Blind;

Also, to-day passed substitute for Senate bill No. 69, an Act for the punishment of contempt and trespasses.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 18th, 1862. }

Mr. PRESIDENT:—The Assembly, on March fourteenth, passed Assembly bill No. 137, an Act to amend an Act amendatory of and supplementary to an Act entitled an Act concerning forcible entries, and unlawful detainers, passed April twenty-second, eighteen hundred and fifty;

Also, passed Assembly bill No. 188, an Act to provide means to pay the indebtedness of Del Norte County to Klamath County;

Also, passed Assembly bill No. 286, an Act to authorize the Board of Supervisors of Calaveras County to employ a competent person to examine the records, and ascertain the present existing debt of said county; and to allow a reasonable compensation for the examination already made of the tax rolls of said county, for the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty.

W. N. SLOCUM,  
Assistant Clerk.

Senate bill No. 222, with Assembly amendments, referred to the Tehama delegation.

Senate bill No. 199—Assembly amendments amended and concurred in.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 31, above reported, read first and second times, and placed on file.

Assembly bill No. 133, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 211, above reported, read first and second times, and referred to the Tuolumne delegation.

Senate bills Nos. 199, 279, and 268, reported with Assembly amendments, were returned to the Assembly for certificate of Clerk to said amendments.

Assembly bill No. 256, above reported, read first and second times, and placed on file.

Assembly bill No. 300, above reported, read first and second times, and referred to the Committee on Corporations.

Assembly bill No. 137, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 286, above reported, read first and second times, and referred to Calaveras delegation.

Assembly bill No. 288, above reported, read first and second times, and placed on file.

The Assembly amendments to substitute for Senate bill No. 69, above reported, were concurred in.

Mr. De Long offered a concurrent resolution relative to the Legislature meeting in the Assembly Chamber for the purpose of listening to the Governor and ex-Governor of Nevada Territory, on Friday evening next.

Adopted:

Mr. Parks offered a concurrent resolution relative to the State Printer furnishing the Adjutant-General with printed copies of his report.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Heacock, for an Act to incorporate the City of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Porter, for an Act to provide for the increase of pay of the California Volunteers.

Read first and second times, and referred to Finance Committee.

By Mr. Hathaway, for an Act granting the right for a street railroad within the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Baker, for an Act to provide for the organization of the County of Coso.

Read first and second times, and referred to the Los Angeles, San Bernardino, and Tulare delegations.

Also, for an Act concerning hogs running at large in Tulare County.

Read first and second times, and referred to the Committee on Agriculture.

Also, for an Act to make county warrants receivable in payment of taxes in Tulare County.

Read first and second times, and referred to the Finance Committee.

Also, for an Act fixing the compensation of the County Auditor of Tulare County.

Read first and second times, and referred to the Finance Committee.

By Mr. Lewis, for an Act to grant the right to construct a turnpike road between the Town of Murphy's, in Calaveras County, and the eastern boundary of the State of California.

Read first and second times, and referred to the Committee on Roads and Highways.

\* By Mr. Van Dyke, for an Act for the payment of expenses incurred in the prosecution of the claims of the State of California before Congress for the suppression of Indian hostilities.

Read first and second times, and referred to the Committee on Claims.

#### GENERAL FILE.

Senate bill No. 283, an Act to amend an Act entitled an Act to establish Pilots and pilot regulations for the port of San Francisco, approved May twentieth, eighteen hundred and sixty-one, being a substitute for Senate bills Nos. 50, 52, 82, 130, and 162—substitute adopted, read first and second times, and placed on top of the file for Friday, March twenty-first.

Senate bill No. 228, an Act amendatory of an Act to provide revenue for the support of the Government of this State, approved May seveneenth, eighteen hundred and sixty-one—indeinitely postponed.

Senate bill No. 116, an Act to authorize and empower the Controller of State to transfer certain funds—*indefinitely postponed*.

Senate bill No. 291, an Act to pay the costs in the prosecution of the State against Horace Smith—referred to the Judiciary Committee.

Senate bill No. 157, an Act to provide for binding minors as apprentices, clerks, and servants, by the San Francisco Ladies' Protection and Relief Society—*read third time, and passed*.

Assembly bill No. 170, an Act amendatory of and supplementary to an Act for the preservation of trout—*read third time and passed*.

Mr. Gaskill offered the following resolution :

*Resolved*, That the Finance Committee be requested to prepare and report to this Senate a bill making the necessary appropriations for the next fiscal year.

Lost.

Mr. Irwin presented certain accounts, which were referred to the Committee on Contingent Expenses.

Mr. Quint made the following report :

MR. PRESIDENT:—The Tuolumne delegation, to whom was referred Assembly bill No. 208, an Act legalizing roads in Tuolumne County, have had the same under consideration, and report it back, and recommend its passage.

QUINT.  
WILLIAMSON.

Mr. De Long introduced a bill for an Act to provide for the issuance of patents on lands purchased under the Act of February eighteenth, eighteen hundred and fifty-nine, for the sale of the ten sections of land donated to this State for the erection of Public Buildings, and for lands purchased under the Act of April twenty-second, eighteen hundred and sixty-one, for the sale of the sixteenth and thirty-sixth sections of school lands and lands taken in lieu thereof.

*Read first and second times, and referred to the Judiciary Committee.*

Assembly bill No. 48, an Act for the purchase and preservation of public newspapers, printed and published in the several counties of this State, was taken up.

On the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Doll, Harvey, and Gallagher, and taken, with the following result :

AYES—Messrs. Denver, Harvey, Hill, Kimball, Parks, Pacheco, Perkins, Powers, Rhodes, Shafter, Soule, and Vineyard—12.

NOES—Messrs. Banks, Chamberlain, Crane, De Long, Doll, Gallagher, Gaskill, Hathaway, Holden, Nixon, Oulton, Porter, Shurtleff, Van Dyke, and Warmcastle—15.

Mr. Burnell moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Gallagher, and Doll, and taken, with the following result :

AYES—Messrs. Burnell, Denver, De Long, Harvey, Hathaway, Hill, Merritt, Nixon, Pacheco, Perkins, Powers, and Vineyard—12.

NOES—Messrs. Banks, Chamberlain, Crane, Doll, Gallagher, Gaskill,



Holden, Kimball, Oulton, Parks, Porter, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Warmcastle—16.

Mr. Gallagher offered the following amendment to the bill:

Add at the end of section first—"One of which newspapers shall be that in which the legal notices of said county are published."

Mr. Merritt moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Doll, Gallagher, and Gaskill, and taken, with the following result:

AYES—Messrs. Burnell, Denver, De Long, Harvey, Hathaway, Hill, Merritt, Nixon, Pacheco, Powers, Rhodes, Shafter, Soule, and Vineyard—14.

NOES—Messrs. Banks, Chamberlain, Crane, Doll, Gallagher, Gaskill, Holden, Oulton, Parks, Porter, Shurtleff, Van Dyke, and Warmcastle—13.

So at three o'clock P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, March 20th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## PETITIONS.

Mr. Rhodes presented a petition from citizens of Napa County, in favor of the passage of Assembly bill No. 182, an Act to provide for the election of Supervisors in the County of Napa.

Mr. Holden presented a petition from citizens of Napa County, against the passage of the same bill.

## REPORTS:

Mr. Bogart made the following report:

MR. PRESIDENT:—The Special Committee to whom was referred Senate bill No. 335, for an Act to provide for the organization of the County of Coso, have had the same under consideration, and ask leave to report the same back to the Senate, without amendment, and recommend its passage.

J. C. BOGART,  
J. R. VINEYARD,  
THOMAS BAKER

Senate bill No. 335, above reported, was referred to Committee on Counties and County Boundaries.

Mr. Harriman, from the Nevada and Placer delegation, made the following report:

Mr. PRESIDENT:—The Nevada and Placer delegation, to whom was referred Senate bill No. 324, having had the same under consideration, report it back, with an amendment, and recommend its passage.

HARRIMAN,  
WATT,  
KUTZ.

Mr. Banks, from the Committee on Corporations, made the following report:

Mr. PRESIDENT:—The Committee on Corporations, to whom was referred Assembly bill No. 300, having had the same under consideration, beg leave to report—that they have heard the statements of various parties claiming that they will be affected by the construction of a bridge at Woodbridge, and are of the opinion that the stream above said point may, during about three months of the year, be navigated with small steamers, provided the snags and overhanging trees be removed; but even then, navigation will be attended with great danger and difficulty. In view of the fact that your Committee are unable to make a thorough examination of the subject, and as there appears to be an active rivalry concerning the matter, your Committee propose the accompanying amendments, and recommend the passage of the bill, as amended.

BANKS, Chairman.

Senate bill No. 300, above reported, placed at top of the file for this day.

Mr. Williamson, from the Tuolumne delegation, made the following report:

Mr. PRESIDENT:—The Tuolumne delegation, to whom was referred Assembly bill No. 211, entitled an Act to district the County of Tuolumne into Supervisor Districts, have had the same under consideration, and report the same back, and recommend its passage.

WILLIAMSON,  
QUINT.

Mr. Van Dyke made the following report:

Mr. PRESIDENT:—The undersigned, to whom was referred Senate bill No. 248, an Act to authorize the Board of Supervisors of Klamath County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, having had the same under consideration, report the bill back, with certain amendments, and recommend its passage, as amended.

VAN DYKE.

Mr. Powers, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 314, an Act to fund the outstanding indebtedness of the

County of Mariposa now existing in the form of County Auditor's warrants drawn on the Indigent Sick Fund, and that may be outstanding on the first day of September, A. D. eighteen hundred and sixty-two, and report the same correctly engrossed.

POWERS, for Committee.

Mr. Pacheco made the following report :

MR. PRESIDENT :—Your Committee on Translation respectfully inform this honorable body that they have, in compliance to law, awarded to Wm. Aug. D. Splivalo the contract to translate the laws into the Spanish language, and have notified Hon. Wm. H. Weeks, Secretary of State, in a like manner.

PACHECO, Chairman.

Mr. Crane gave notice that he would, at an early day, introduce a bill for the relief of T. J. A. Chambers.

Mr. Crane offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, That all papers appertaining to the claim of T. J. A. Chambers, now on file in the Secretary of State's office, be withdrawn, and handed to Mr. Chambers.

Lost.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 19th, 1862. }

MR. PRESIDENT :—The Assembly to-day passed Senate bill No. 67, an Act providing for an Attorney and Counsellor in and for the City and County of San Francisco ;

Also, amended and passed Senate bill No. 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof ;

Also, refused to pass Senate bill No. 107, an Act concerning evidence in certain cases.

W. N. SLOCUM,  
Assistant Clerk.

Assembly amendments to Senate bill No. 119, above reported, concurred in by Senate.

Also, Assembly amendments to Senate bills Nos. 268 and 279, reported yesterday, concurred in by Senate.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Merritt, for an Act granting to James R. Vineyard, and his assigns, the right to construct and maintain a toll bridge across the Yuba River, near Parks' Bar, in Yuba County.

Read first and second times, and referred to the Yuba delegation.

By Mr. Irwin, for an Act to create the County of Chico, to define its boundaries, and provide for its organization.

Read first and second times, and referred to the Committee on Counties and County Boundaries, with instructions to report on or before Monday, March twenty-fourth.

By Mr. Baker, for an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed land in Tulare Valley, passed April eleventh, eighteen hundred and fifty-seven.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands, with instructions to confer with similar Committee of the Assembly.

By Mr. Burnell, for an Act to provide for the construction of a wagon road, commencing at Antelope Springs, in the County of Amador, and running thence by the "Safford Survey," to Hope Valley, on the eastern slope of the Sierra Nevada Mountains.

Read first and second times, and referred to the Amador delegation.

By Mr. Banks, for an Act to authorize the Board of Supervisors of the City and County of San Francisco, to provide for the construction and maintenance of an electro-magnetic fire alarm telegraph for said city and county.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to provide for the payment of the printing for the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Rhodes, for proposed amendments to the Constitution of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act authorizing the Board of Supervisors of the City and County of San Francisco to alter the grade of certain streets therein.

Read first and second times, and referred to the San Francisco delegation.

Mr. Shurtleff presented certain accounts of A. T. Dewey, J. P. Muldrow, Thomas L. Thompson, and Placer Courier.

Referred to Committee on Contingent Expenses.

#### GENERAL FILE.

Assembly bill No. 300, an Act to grant the right to construct and maintain a bridge across the Mokelumne River to certain parties therein named—considered as in Committee of the Whole, amended, amendments adopted, read third time, and passed.

Mr. Heacock moved to suspend the rules, for the purpose of introducing a bill.

On a division, the motion was declared by the Chair to be lost.

Upon which, the ayes and noes were demanded, by Messrs. Banks, De Long, and Gallagher.

The Chair (Mr. Parks) decided that the vote having already been declared, the call for the ayes and noes was not in order.

From which decision Mr. Quint appealed.

The question being: Shall the decision of the Chair stand as the judgment of the Senate?



Upon which, the ayes and noes were demanded, by Messrs. Banks, Harvey, and Gallagher, and taken, with the following result:

AYES—Messrs. Burnell, Chamberlain, Crane, Gaskill, Harvey, Hathaway, Irwin, Kimball, Kutz, Merritt, Oulton, Pacheco, Porter, Powers, Rhodes, Shafter, Soule, Warmcastle, and Williamson—19.

NOES—Messrs. Baker, Banks, Bogart, Denver, De Long, Doll, Gallagher, Heacock, Hill, Holden, Nixon, Perkins, Quint, Shurtleff, Van Dyke, and Watt—16.

So the decision of the Chair was sustained.

#### GENERAL FILE RESUMED.

Senate bill No. 134, an Act to pay the claim of George E. Drew—substitute adopted.

Mr. Baker moved a reconsideration of the vote by which the substitute for Senate bill No. 134 was adopted.

Upon which, the ayes and noes were demanded, by Messrs. Burnell, Doll, and Vineyard, and taken, with the following result:

AYES—Messrs. Baker, Chamberlain, Kutz, Lewis, Merritt, Perkins, Quint, Shafter, Soule, Shurtleff, Vineyard, Warmcastle, and Williamson—13.

NOES—Messrs. Banks, Bogart, Burnell, Crane, Denver, De Long, Doll, Gallagher, Gaskill, Harvey, Hathaway, Hill, Holden, Irwin, Kimball, Oulton, Parks, Pacheco, Porter, Powers, Rhodes, Van Dyke, and Watt—23.

So the motion to reconsider was lost.

Mr. Merritt then moved to recommit to the Committee on Claims, with instructions to apportion the debt equally between the Counties of San Joaquin and Stanislaus, and to report on Monday next.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Warmcastle, and Powers, and taken, with the following result:

AYES—Messrs. Baker, Burnell, Denver, Gallagher, Harvey, Harriman, Holden, Irwin, Kimball, Lewis, Merritt, Pacheco, Perkins, Powers, Quint, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, and Williamson—21.

NOES—Messrs. Banks, Chamberlain, Crane, De Long, Gaskill, Hathaway, Hill, Kutz, Oulton, Parks, Porter, and Warmcastle—12.

Senate bill No. 139, an Act to extend the time for the collection of taxes in the counties of Tulare and Fresno—indefinitely postponed.

Senate bill No. 288, an Act to repeal an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, and other matters relating thereto—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 281, an Act to grant to H. J. May and others, the right to lay a railroad track in Petaluma, etc.—read third time, and passed.

Assembly bill No. 46, an Act supplementary to an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and of the Act of March thirty-one, eighteen hundred and fifty-seven, supplementary thereto, and to extend

their provisions to other counties therein named—was read third time, and passed.

Assembly concurrent resolution No. 43—referred to Committee on Claims, with instruction to report a bill.

Senate bill No. 78, an Act to establish a municipal or inferior Court in the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco.

On the passage of the bill, Messrs. Perkins, Powers, and Soule, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Baker, Chamberlain, Gaskill, Harvey, Harriman, Hathaway, Hill, Kimball, Kutz, Merritt, Oulton, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, and Soule—18.

NOES—Messrs. Banks, Bogart, Denver, De Long, Gallagher, Heacock, Holden, Irwin, Lewis, Parks, Quint, Vineyard, and Watt—13.

#### REPORTS.

Mr. Porter, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 163, an Act to provide for the construction of a wagon road from the Tulare Valley to the Valley of Owens' Lake, in Tulare County;

Also, Senate bill No. 135, an Act to enable the Mayor and Common Council of the City of Placerville to pay a certain claim of Wm. J. Lewis against said city;

Also, Senate bill No. 148, an Act to provide for the collection of delinquent taxes in the City of San José;

Also, Senate bill No. 153, an Act to authorize James Craig, Guardian of the infant heirs of Michael Flanigan, deceased, to sell property in Tuolumne County;

Also, Senate bill No. 167, an Act to amend an Act entitled an Act to fix the terms of the County Court and Court of Sessions of the County of El Dorado, approved April twelfth, eighteen hundred and fifty-nine;

Also, substitute for Senate bill No. 87, an Act to provide for the construction of a wharf at a point on the southerly bank of the San Joaquin River;

Also, Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County;

Also, Senate bill No. 184, an Act to authorize the Governor of this State to convey certain lands;

Also, Senate bill No. 212, an Act amendatory of an Act to provide for funding the indebtedness of Yuba County, approved March twenty-sixth, eighteen hundred and fifty-seven;

Also, Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-eighth, eighteen hundred and fifty-one;

Also, Senate bill No. 261, an Act to amend an Act amendatory of and supplemental to an Act to provide revenue for the support of the Government of this State, approved April twenty-seventh, eighteen hundred and fifty-seven;

Also, Senate bill No. 213, an Act amendatory of an Act authorizing

the County of Yuba to take and subscribe two hundred thousand dollars to a railroad company ;

Also, Senate bill No. 227, an Act to authorize José Lorenzo de Jesus Maria Piña to sell real estate ;

Also, substitute for Senate bill No. 68, an Act to authorize the rebinding of the books of the State Library ;

Also, Senate concurrent resolution No. 34, relative to overland mail ;

Also, Senate bill No. 55, an Act to grant the right to construct a bridge across the Mokelumne River to Louis Lohr, and others ;

Also, Senate bill No. 118, an Act concerning roads and highways in the County of Alameda ;

Also, Senate bill No. 293, an Act to grant the right to construct a bridge across the Pajaro River ;

And this day, March twentieth, eighteen hundred and sixty-two, at two o'clock, delivered the same to His Excellency the Governor, for his approval.

GEO. K. PORTER, Chairman.

Mr. De Long, from the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—Your Committee on Roads and Highways, to whom was referred Senate bill No. 333, entitled an Act to grant the right to construct a turnpike road between the Town of Murphy's, in Calaveras County, and the eastern boundary of the State of California, having had the same under consideration, report the same back, without amendment, and recommend its passage.

DE LONG,  
IRWIN,  
BOGART.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—Your Committee on Judiciary, to whom was referred Senate bill No. 211, an Act to amend an Act entitled an Act defining the rights of husband and wife, and passed April seventeenth, eighteen hundred and fifty, have considered the same, and beg leave to report the same back, with an amendment, and recommend that the bill, as amended, be passed.

A. L. RHODES, Chairman.

Mr. De Long moved that the special and local bills on general file be made the special order for Saturday, March twenty-second.

Carried.

On motion of Mr. De Long, at four o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, March 21st, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 160, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the other Acts amendatory thereto, beg leave to report that they have had the same under consideration, and report it back without recommendation;

They have also considered Senate bill No. 255, an Act to transfer and legalize certain records in the County of Mono, and report the same back, and recommend its passage;

They have also had under consideration Senate bill No. 108, an Act to amend an Act to amend an Act entitled an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-seven, and the several Acts amendatory thereto, and report the same back, with a substitute, and recommend its passage;

They have also considered Assembly substitute for Senate bill No. 99, and the amendments thereto, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by an Act of Congress, entitled an Act to provide for increased revenue from imports, to pay interest on the public debt, and for other purposes, passed sixth of August, eighteen hundred and sixty-one, and report the same back, with amendments to the Assembly amendments, and recommend the passage of the substitute as thus amended.

A. L. RHODES, Chairman.

Mr. Soule made a verbal report, recommending the passage of Assembly bill No. 91, an Act to authorize parties therein named to construct and maintain a wharf.

Mr. Chamberlain made the following report:

MR. PRESIDENT:—Your Committee to whom was referred Senate bill No. 334, an Act concerning hogs found running at large in Tulare County, having had the same under consideration, report the same back, and recommend its passage.

CHAMBERLAIN, Chairman.

Mr. Chamberlain, from the Committee on Agriculture, made the following report:



MR. PRESIDENT:—The Committee on Agriculture, to whom was referred Senate bill No. 230, an Act to create the office of Commissioner of Agriculture, having had the same under consideration, report the same back, and recommend that it be indefinitely postponed, for the reasons that the finances of the State are not in a condition to authorize the creation of more salaried offices, unless the same are absolutely necessary, and that under present circumstances, the interests of agriculture can be better promoted by the appropriation of the amount of the salary contemplated in this bill to the several agricultural societies in this State, to be distributed in the form of prizes for pre-eminence in agricultural pursuits;

The Committee have also had under consideration Senate bill No. 26, an Act to repeal sections four and five of an Act approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one, and report the same back, with an amendment to the title, in order that the title may correctly state the object of the bill, and recommend its passage, as amended;

The Committee have also had under consideration Senate bill No. 71, to amend an Act to prevent the trespassing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five; and, also, Senate bill No. 85, an Act concerning domestic animals running at large in certain places; and while your Committee do not undertake to decide as to the abstract right involved in the question, as to whether the stock owner shall fence or herd his stock, or the farmer fence his fields, and without pretending to say that the time may not come when the policy of fencing in our stock and turning our fields loose may be the correct one to pursue, the Committee are nevertheless of the opinion that the sudden change in our policy, as regards fences, contemplated in both of these bills, from the best information we can obtain, will neither advance the interests nor meet with the approval of the great body of those engaged in agricultural pursuits. There are some portions of the agricultural districts of this State that would undoubtedly be benefited by the passage of a bill of similar import to those under consideration, but your Committee deem it impossible to frame any bill of this character, that shall be local in its application, and not be open to the charge of injustice towards those counties and portions of counties that might be adjacent to the localities exempted from the operations of the present fence laws of the State. The inhabitants of such counties and localities contend that such laws would be unequal and oppressive on them, requiring them, as it would, to herd their own stock, or enclose their grazing lands, while they themselves would still be obliged to fence against the cattle of the very men whose lands would be exempted from the operations of the general law in regard to fences. Whether there is force or not in this objection to the passage of any local bill of the kind, we leave others to determine, but satisfied that, right or wrong, no such law, either local or general, can be passed at the present session, and that if any such law could be passed it would not meet with the approbation of the large portion of those interested, your Committee have endeavored to draft a bill, that if it does not do all that is desired to remove from the shoulders of our farmers the great burden imposed on them by the necessity of fencing, to protect their crops, will at least do something to lighten that burden, by enabling them to fence large districts in one enclosure, and force all parties interested to bear their just proportions of the expenses incurred.

Many such enclosures now exist, and doubtless many more will be made the present season, as the cheapest method of protecting crops against damage from stock.

The Committee therefore report the accompanying bill, and recommend its passage, and that the Senate bills, Nos. 71 and 85, the titles of which have been stated above, be indefinitely postponed.

C. H. CHAMBERLAIN, Chairman.

Mr. Pacheco, from the Committee on Public Lands, made the following report :

MR. PRESIDENT :—Your Committee on Public Lands respectfully report back Assembly bill No. 220, an Act to authorize the issuance of a patent to Maurice J. Dooly for certain lands in San Joaquin County, and recommend its passage.

R. PACHECO, Chairman.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 91, an Act for the relief of John T. Carey, late Treasurer of Klamath County, and this day, March twenty-first, eighteen hundred and sixty-two, delivered the same to the Governor, for his approval.

PORTER, Chairman.

Mr. Holden, from the Mendocino delegation, made the following report :

MR. PRESIDENT :—The delegation from Mendocino, to whom was referred Assembly bill No. 67, for an Act to authorize W. H. Kelly to construct booms on Jasper creek, in Mendocino County, have had the same under consideration, and recommend the passage of the bill, without amendment.

WILLIAM HOLDEN.

Mr. De Long, from the Yuba delegation, made the following report :

MR. PRESIDENT :—Your Special Committee, consisting of the Yuba delegation, to whom was referred Senate bill No. 342, having had the same under consideration, beg leave to report the same back, without amendment, and recommend its passage.

PARKS,  
DE LONG,  
Yuba Delegation.

Bill above reported, rules being suspended, was considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Gallagher, from the Calaveras delegation, made the following report :

MR. PRESIDENT :—The Calaveras delegation, to whom was referred Assembly bill No. 104, report it back, and recommend its passage.

GALLAGHER,  
LEWIS.

Mr. Banks made a verbal report, recommending the passage of Senate bill No. 267, with an amendment.

Mr. Doll presented a petition of citizens of Tehama, in reference to the boundary line of said county.

Referred to Committee on Counties and County Boundaries.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 20th, 1862. }

MR. PRESIDENT :—The Assembly to-day amended and passed Senate bill No. 178, an Act supplementary to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed and Salt Marsh and Tide Lands donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one ;

Also, passed Senate bill No. 258, an Act to enable the Attorney-General to employ a Clerk ;

Also, passed substitute for Senate bill No. 147, an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one ;

Also, on the nineteenth instant, passed Assembly bill No. 329, an Act to fix the salary of the County Judge of the County of Santa Cruz.

Also, passed Assembly bill No. 324, an Act supplemental to an Act entitled an Act to create the office of State Geologist, and to define the duties thereof ;

Also, on the nineteenth instant, concurred in Senate concurrent resolution No. 45, concerning a special meeting on Friday evening, to listen to Governor Nye and others, on the boundary line between California and Nevada Territory ;

Also, concurred in Senate concurrent resolution No. 46, relative to report of the Adjutant-General of this State ;

Also, passed Senate bill No. 225, an Act for the relief of W. J. Paugh, late Sheriff of the County of Amador ;

Also, passed Senate bill No. 315, an Act supplementary to and amendatory of an Act in relation to public roads in the County of El Dorado, and the Road Fund of said county, approved February twenty-seventh, eighteen hundred and sixty-two ;

Also, amended and passed Senate bill No. 317, an Act to amend the Act to fix the terms of the District Court in the County of Mono ;

Also, passed Senate bill No. 318, an Act to amend an Act entitled an Act to incorporate the City of San José, passed March sixteenth, eighteen hundred and fifty-nine ;

Also, passed Senate bill No. 319, an Act to provide for the retention of the hides of cattle killed or slaughtered in San Mateo County ;

Also, passed Assembly bill No. 319, an Act changing the time of assessing the value of real and personal property and collecting the taxes levied thereon, for State and county purposes, in the County of Sierra ;

Also, this day passed Assembly bill No. 36, an Act to authorize Lewis E. Morgan, his associates, or assigns, to construct and maintain a wharf in Contra Costa County ;

Also, passed Assembly bill No. 105, an Act to authorize the Administrator of the estate of Francis Tribon to sell real estate at public or private sale ;



Also, passed Assembly bill No. 151, an Act to grant the right to construct a turnpike road between Sonora and Aurora;

Also, passed Assembly bill No. 181, an Act to amend an Act to incorporate the Town of Grass Valley;

Also, passed Assembly bill No. 186, an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 196, an Act concerning hogs running at large in the county of Solano;

Also, passed Assembly bill No. 205, an Act to provide for the election of a Superintendent of Common Schools in the County of San Mateo;

Also, passed Senate bill No. 14, an Act to empower Charles Lindley to sell, at private sale, property of his children;

Also, passed Senate bill No. 259, an Act to establish pounds in the County of Santa Clara;

Also, passed Senate bill No. 253, an Act amendatory of an Act to regulate the San Francisco Fire Department.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly amendment to Senate bill No. 317, an Act to amend an Act to fix the terms of the District Court of the County of Mono, above reported, concurred in by the Senate.

Assembly bill No. 319, an Act changing the time of assessing the value of real and personal property and collecting the taxes levied thereon, for State and county purposes, in the County of Sierra, above reported, read first and second times, and referred to Sierra delegation.

Assembly bill No. 36, an Act to authorize Lewis E. Morgan, his associates, or assigns, to construct and maintain a wharf in Contra Costa County, above reported, read first and second times, and referred to Committee on Commerce and Navigation.

Assembly bill No. 105, an Act to authorize the Administrator of the estate of Francis Tribon to sell real estate at public or private sale, above reported, read first and second times, and placed on file.

Assembly bill No. 151, an Act to grant the right to construct a turnpike road between the Town of Sonora, in Tuolumne County, and the Town of Aurora, in Mono County, above reported, read first and second times, and referred to Tuolumne and Mono delegations.

Assembly bill No. 181, an Act to amend an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 186, an Act to amend an Act entitled an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 196, an Act concerning hogs running at large in the County of Solano, above reported, read first and second times, and referred to Solano delegation.

Assembly bill No. 205, an Act to provide for the election of a Superintendent of Common Schools in the County of San Mateo, above reported, read first and second times, and referred to San Mateo delegation.



Assembly bill No. 324, an Act supplementary to an Act entitled an Act to create the office of State Geologist, and define the duties thereof, approved April twenty-first, eighteen hundred and sixty-one, read first and second times, and referred to the Committee on Mines and Mining Interests.

Assembly bill No. 329, an Act to fix the salary of the County Judge of the County of Santa Cruz, read first and second times, and placed on file.

Substitute for Senate bill No. 147, an Act to amend an Act entitled an Act to provide for the support of the Government of this State, with Assembly amendments, referred to Financial Committee.

Mr. Rhodes moved a reconsideration of the vote by which Senate bill No. 78, an Act to establish a municipal or inferior court in and for the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco, was passed on yesterday—pending which, the general file was taken up.

On motion of Mr. Van Dyke, Senate bill No. 160, an Act to amend the Civil Practice Act, was placed on top of file for Tuesday, March twenty-fifth, and ordered printed.

#### GENERAL FILE.

Senate bill No. 283, an Act to amend an Act entitled an Act to establish Pilots and pilot regulations for the port of San Francisco, approved May twentieth, eighteen hundred and sixty-one.

Mr. Doll moved to indefinitely postpone.

Mr. Banks moved an amendment, to strike out "three," and insert "two," in first section.

Upon which, the ayes and noes were demanded, by Messrs. De Long, Banks, and Soule, and taken, with the following result:

AYES—Messrs. Banks, Bogart, Chamberlain, Denver, De Long, Gaskill, Harriman, Harvey, Hathaway, Holden, Irwin, Kutz, Lewis, Porter, Rhodes, Shafter, Soule, Warmcastle, and Williamson—19.

NOES—Messrs. Baker, Burnell, Doll, Gallagher, Merritt, Oulton, Pacheco, Perkins, Powers, Shurtleff, Van Dyke, Vineyard, and Watt—13.

Mr. Banks moved to strike out all after the word "employed," in twenty-first line of ninth section.

The motion was put viva voce, and declared to be lost.

A division was called, and the motion was lost.

Messrs. Banks, Gallagher, and De Long, demanded the ayes and noes. The Chair—President pro tem.—decided the call out of order.

From which Mr. De Long appealed.

Upon the question, Shall the decision of the Chair stand as the judgment of the Senate? the ayes and noes were demanded, by Messrs. Gaskill, Powers, and Shurtleff, and taken, with the following result:

AYES—Messrs. Baker, Burnell, Chamberlain, Doll, Gaskill, Kimball, Merritt, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Soule, and Warmcastle—15.

NOES—Messrs. Banks, Bogart, De Long, Gallagher, Harvey, Harriman, Hathaway, Hill, Holden, Kutz, Lewis, Nixon, Quint, Shurtleff, Van Dyke, Vineyard, and Watt—17.

So the decision of the Chair was not sustained.

The vote was then called on the adoption of the amendment of Mr. Banks, and taken, with the following result:

AYES—MESSRS. Banks, De Long, Hathaway, Hill, Holden, Porter, Quint, Shurtleff, Vineyard, and Williamson—10.

NOES—MESSRS. Baker, Bogart, Chamberlain, Denver, Gaskill, Irwin, Kutz, Merritt, Oulton, Pacheco, Perkins, Powers, Shafter, Soule, Van Dyke, and Watt—16.

On the motion to indefinitely postpone, the ayes and noes were demanded, by Messrs Soule, Hathaway, and Warmcastle, and taken, with the following result:

AYES—MESSRS. Baker, Burnell, Chamberlain, De Long, Doll, Harvey, Harriman, Hill, Kimball, Kutz, Merritt, Nixon, Oulton, Parks, Pacheco, Perkins, Shurtleff, Vineyard, and Watt—19.

NOES—MESSRS. Banks, Bogart, Denver, Gaskill, Hathaway, Holden, Irwin, Lewis, Porter, Powers, Rhodes, Shafter, Soule, Van Dyke, Warmcastle, and Williamson—16.

Mr. De Long gave notice of reconsideration.

On motion of Mr. Parks, Senate bill No. 120, an Act to release certain claims on the part of the State, was taken up—substitute adopted, and read first and second times.

Mr. Denver moved to strike out all after the enacting clause, and insert a new bill.

Upon which, the ayes and noes were demanded, by Messrs. De Long, Watt, and Denver, and taken, with the following result:

AYES—MESSRS. Burnell, Chamberlain, Denver, De Long, Harriman, Kimball, Oulton, Shurtleff, Vineyard, and Watt—10.

NOES—MESSRS. Banks, Bogart, Gallagher, Gaskill, Harvey, Hathaway, Heacock, Hill, Irwin, Kutz, Lewis, Merritt, Parks, Pacheco, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Van Dyke, Warmcastle, and Williamson—24.

Rules suspended, considered engrossed, and read third time.

On its passage, the ayes and noes were demanded, by Messrs. Watt, De Long, and Parks, and taken, with the following result:

AYES—MESSRS. Banks, Bogart, Gallagher, Harvey, Hathaway, Heacock, Hill, Irwin, Lewis, Merritt, Parks, Pacheco, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Van Dyke, Warmcastle, and Williamson—22.

NOES—MESSRS. Burnell, Chamberlain, Denver, De Long, Harriman, Kimball, Kutz, Nixon, Oulton, Shurtleff, Vineyard, and Watt—12.

The Forty-Fifth Rule was suspended, and the Secretary directed to transmit to the Assembly.

Mr. Powers, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined, and found correctly engrossed, Senate bill No. 288, an Act to repeal an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, and other matters relating thereto.

POWERS, for Committee.

Assembly bill No. 31, an Act to prohibit the keeping open of markets, and the vending of meats, game, vegetables, or other market products, in the City and County of San Francisco, on the Sabbath Day—read third time, and passed.

Assembly bill No. 329, an Act to fix the salary of the County Judge of the County of Santa Cruz—read third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Heacock, for an Act to provide for the payment of the salary of the County Judge of Sacramento County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

By Mr. Quint, for an Act amendatory of and supplemental to an Act to create the County of Mono, to define its boundaries and provide for its organization, approved April twenty-fourth, eighteen hundred and sixty-one.

Read first and second times, and referred to Tuolumne and Mono delegation.

By Mr. Harvey, for an Act to amend an Act entitled an Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. De Long, for an Act to authorize the Administrator of the estate of Minerva E. Haun, deceased, to sell and dispose of the real estate and chattels real of said estate.

Read first and second times, and placed on file.

By Mr. Soule, for an Act to authorize John S. Rutherford and George E. Webster to construct a railroad and railroad wharf in Mendocino County.

Read first and second times, and referred to Mendocino delegation.

By Mr. Parks, for an Act to provide for the redemption of bonds issued for expenses incurred in the suppression of Indian hostilities in certain counties of this State.

Read first and second times, and referred to Committee on Claims.

By Mr. Heacock, for an Act to authorize the Register of the State Land Office to issue duplicate certificates of purchase to School or Swamp Lands where the originals have been lost or destroyed.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Also, for an Act to pay certain warrants of the City of Sacramento therein mentioned.

Read first and second times, and placed on file.

On motion of Mr. Chamberlain, Senate bill No. 273, an Act to reincorporate the City of Stockton, was taken from file, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Powers, at four o'clock, p. m. the Senate adjourned.

J. McM. SHAFTER,  
President pro tem. of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Saturday, March 22d, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read, amended, and approved.

Indefinite leave of absence was granted to Mr. Crane.

Mr. Shafter presented a remonstrance against changing the grade of Sansome street.

Referred to San Francisco delegation.

## REPORTS.

Mr. Hill, from the Hospital Committee, made the following report :

Mr. PRESIDENT :—The Hospital Committee, to whom was referred Senate bill No. 326, an Act to amend an Act entitled an Act to provide for the obtainment, preservation, and distribution of vaccine matter, etc., report the same back, and recommend its indefinite postponement.

HILL, for Committee.

Mr. Parks, from the Committee on Claims, made the following report :

Mr. PRESIDENT :—The Committee on Claims have had under consideration a bill to pay George W. Drew, and report the same back, with an amendment, according to instructions ;

Also, Senate bill No. 302, being claim of Martha Buckelew, Executrix of B. R. Buckelew, deceased, for use of land for State Prison purposes, and report the same back, with the request that the claimant have leave to withdraw her papers ;

Also, the claim of Hugh McDonald, for supplies furnished State Marine Hospital in eighteen hundred and fifty-three, and report the same back, with the recommendation that it be rejected ;

Also, Senate bill No. 325, being the claim for the relief of S. H. Brooks, and report the same back, with the recommendation that the bill be indefinitely postponed ;

Also, the claim of ———, for the value of a piece of temporary State loan scrip, amounting to one hundred dollars, and report the same back, and recommend that it be rejected ;

Also, the claim of R. M. Jessup, for transportation of arms, ammunition, etc., from San Francisco and Benicia, to Sacramento, amounting to five hundred dollars, and report the same back, and recommend that it be rejected. (From this decision Mr. Banks dissents.)

Also, Senate concurrent resolution No. 43, being in relation to the claim of Eugene Lies, for translating State laws, and report the same back, with the accompanying bill, in accordance with instructions.

PARKS, Chairman.

Mrs. Martha Buckelew had leave to withdraw the claim set forth in Senate bill No. 302, above reported.



Mr. Powers, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined, and found correctly engrossed, Senate bill No. 339, an Act to incorporate the City of Sacramento ;

Also, Senate bill No. 157, an Act to provide for binding minors as apprentices, clerks, and servants, by the San Francisco Ladies' Protection and Relief Society.

POWERS, for Committee.

Mr. Porter made the following report :

MR. PRESIDENT :—Your Committee to whom was referred Assembly bill No. 94, an Act concerning certain salaries and fees of office in the County of Monterey, have examined the same, and report the same back, with amendments, and recommend its passage as amended.

GEO. K. PORTER.

Mr. Perkins, from the Committee on Finance, made the following report :

MR. PRESIDENT :—The Committee on Finance, to whom was referred Senate bill No. 330, an Act fixing the salary of the County Auditor of Tulare County, have had the same under consideration, and report said bill back, and recommend its passage ;

Also, Senate bill No. 229, an Act making county warrants receivable in payment of taxes in Tulare County, and report the same back, and recommend its passage ;

Also, Senate bill No. 188, an Act to amend an Act to provide revenue, etc., and report the same back, without recommendation ;

Also, Senate bill No. 312, an Act to authorize the Controller of State to employ one additional Clerk, and report the same back, without recommendation ;

Also, Substitute for Senate bill No. 147, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, again report the same back, and recommend its passage as amended in Assembly ;

Also, Senate bill No. 214, an Act to prevent non-residents of this State from selling goods without a license, and report the same back, and recommend its passage ;

Also, Assembly bill No. 77, an Act to provide revenue for the support of the Government of this State, from a tax on foreign and inland bills, passengers, insurance companies, and other matters, and report the same back, and recommend its indefinite postponement ;

Also, Assembly bill No. 75, an Act to amend an Act to provide revenue for the support of the Government of the State, etc., and report the same back, and recommend its indefinite postponement.

PERKINS, Chairman.

Mr. Holden made a verbal report, recommending the passage of Senate bill No. 352, an Act to authorize John S. Rutherford and George E. Webster to construct a railroad and railroad wharf in Mendocino County.

Mr. Powers, from the Solano delegation, made the following report :

MR. PRESIDENT:—Assembly bill No. 196, an Act concerning hogs running at large in the County of Solano, which was referred to the Solano delegation, has been under consideration, and after due deliberation, the aforesaid delegation has come to the determination that it needs no emendation or other alteration, and he has no hesitation in making the recommendation that the bill be passed.

POWERS, Chairman.

Mr. Irwin, from the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT:—Your Committee on Contingent Expenses have examined, found correct, and recommend the payment of the following bills:

Humboldt Times.....	\$36 00
Mountain Democrat.....	9 00
Trinity Journal.....	7 50
Calaveras Chronicle.....	6 00
Placerville Republican .....	6 00
Yreka Union.....	3 00
Yreka Journal.....	10 50
Solano Herald .....	12 00
Weekly Pacific .....	33 00
Christian Advocate ..	32 00
Spirit of the Times .....	82 00
Mountain Messenger.....	3 00
Placer Courier.....	6 00
Sonoma County Democrat.....	6 00
Placerville Daily News .....	5 75
Weekly Monitor .....	6 00
Marysville Daily Appeal.....	73 00
Northern Argus.....	6 00
El Dorado Times .....	6 00
Amador Weekly Ledger.....	10 00
Humorist.....	6 00
Mining and Scientific Press .....	2 00
Merrill Curtis .....	15 00
Account of T. H. Selby & Co.....	13 67
Account of Sherwin Moore.....	6 00
Account of D. H. Mitchell .....	40 00
Account of J. P. Muldoon.....	52 00
Account of Michael Hefferman .....	16 00
Account of T. Viest .....	16 00
Account of Thomas H. Loehr .....	184 37
Account of L. B. Drew.....	25 50
Total .....	\$735 29

RICHARD IRWIN, Chairman.

Adopted.

Mr. Quint, of the Tuolumne delegation, made the following report :

MR. PRESIDENT:—The Tuolumne delegation, to whom was referred Senate bill No. 351, have had the same under consideration, and report the same back, and recommend its passage.

L. QUINT,  
C. V. WILLIAMSON.

Mr. Kimball, of the Sierra delegation, made the following report:

MR. PRESIDENT:—The Sierra delegation, to whom was referred the bill entitled an Act changing the time for assessing and collecting taxes in the County of Sierra, report the same back, and recommend its passage.

KIMBALL.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 21st, 1862.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 167, an Act to amend an Act entitled an Act to fix the terms of the County Court and Court of Sessions of the County of El Dorado, approved April twelfth, eighteen hundred and fifty-nine;

Also, Senate bill No. 212, an Act amendatory of an Act to provide for funding the indebtedness of the County of Yuba, approved March twenty-sixth, eighteen hundred and fifty-seven;

Also, Senate bill No. 293, an Act to grant the right to construct a bridge across the Pajaro River;

Also, Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County;

Also, Senate bill No. 148, an Act to provide for the collection of delinquent taxes in the City of Jan José;

Also, Senate bill No. 213, an Act amendatory of an Act to authorize the Board of Supervisors of the County of Yuba to take and subscribe two hundred thousand dollars to the capital stock of a railroad company, and to provide for the payment of the same, and other matters relating thereto, approved April twenty-eighth, eighteen hundred and fifty-seven;

Also, Senate bill No. 163, an Act to provide for the construction of a wagon road from Tulare Valley to the Valley of Owens' Lake, in Tulare County;

Also, Senate bill No. 68, an Act to authorize the rebinding of books of the State Library.

LELAND STANFORD, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
March 22d, 1862. }

MR. PRESIDENT:—The House, on March twentieth, passed Assembly bill No. 97, an Act to authorize Joseph B. Price and his associates to construct and maintain a turnpike road from Cloverdale to Sanel, and to charge and collect tolls for travel thereon;

Also, on same day, passed Assembly bill No. 218, an Act to authorize and empower Frederick Brown, or his assigns, to construct and maintain booms and piers on Gaspar creek, in the County of Mendocino;

Also, on same day, passed Assembly bill No. 342, an Act to amend an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one;

Also, on same day, passed Assembly bill No. 224, an Act relative to certain outstanding warrants of Tuolumne County.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 21st, 1862. }

Mr. PRESIDENT:—The Assembly this day amended and passed Senate bill No. 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings;

Also, this day, passed Senate bill No. 198, an Act to authorize and empower Charles S. Clapp, Guardian of Albert Dorente, a minor, to sell certain real estate belonging to said minor;

Also, on March twentieth, passed Assembly bill No. 213, an Act to authorize William O'Connell and John Fay, and their assigns, to build a wharf in Contra Costa County.

JOHN SEDGWICK, Clerk.

ASSEMBLY CHAMBER, }  
March 21st, 1862. }

Mr. PRESIDENT:—The Assembly have this day passed Assembly bill No. 42, an Act to amend an Act approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 21st, 1862. }

Mr. PRESIDENT:—The Assembly have this day passed Assembly bill No. 351, an Act to provide for holding an election in the City of Sacramento.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 21st, 1862. }

Mr. PRESIDENT:—The Assembly, on the nineteenth of March, passed Assembly bill No. 127, an Act to amend an Act entitled an Act to authorize the location of the town site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine;

Also, this day passed Assembly bill No. 194, an Act making an appropriation for the payment of the per diem and mileage of Presidential Electors;

Also, this day passed Assembly bill No. 221, an Act legalizing the assessment roll of the City of Los Angeles, for the fiscal year commencing May, eighteen hundred and sixty, and for other purposes;



Also, this day passed Assembly bill No. 229, an Act to regulate the fees of officers in the County of Sonoma;

Also, this day passed Assembly bill No. 230, an Act to amend an Act entitled an Act to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado, approved April nineteenth, eighteen hundred and fifty-nine;

Also, this day passed Senate bill No. 109, an Act to provide for the construction of a wharf at a point designated upon the southerly bank of the San Joaquin River;

Also, amended title, and passed Senate bill No. 179, concerning Boards of Commissioners to regulate water courses;

Also, this day amended and passed Senate bill No. 164, to amend an Act concerning corporations.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 97, above reported, read first and second times, and referred to Sonoma and Mendocino delegation.

Assembly bill No. 342, above reported, read first and second times, and referred to Sierra delegation.

Assembly bill No. 218, above reported, read first and second times, and referred to Mendocino delegation.

Assembly bill No. 224, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 127, above reported, read first and second times, and referred to Klamath and Del Norte delegation.

Assembly bill No. 194, above reported, read first and second times, and referred to Committee on Claims.

Assembly bill No. 221, above reported, read first and second times, and referred to Los Angeles delegation.

Assembly bill No. 229, above reported, read first and second times, and referred to Sonoma delegation.

Assembly bill No. 230, above reported, read first and second times, and referred to El Dorado delegation.

Senate bill No. 179, above reported, Assembly amendments concurred in.

Senate bill No. 164, above reported, Assembly amendments concurred in.

Assembly bill No. 42, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 351, above reported, read first and second times, rules suspended, read third time, and passed.

Substitute for Senate bill No. 142, above reported, the Senate concurred in Assembly amendments numbers one, three, and four, to said bill, and refused to concur in Assembly amendment number two.

#### GENERAL FILE.

Assembly bill No. 159, an Act to annex the County of Contra Costa to the Fourth Judicial District—read third time, and passed.

Senate bill No. 103, an Act concerning jury trials in Butte County—read third time, and passed.

Senate bill No. 249, an Act to limit and define the civil jurisdiction of

the Justices of the Peace within the City and County of San Francisco—read third time, and laid on the table.

Assembly bill No. 142, an Act for the relief of George W. Nixsen—referred to the San Francisco delegation.

Substitute for Senate bill No. 217, an Act to appoint Commissioners to adjust the affairs of the Counties of San Joaquin and Stanislaus—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 112, an Act to authorize Charles L. Taylor and Henry F. Williams to lay down gas pipes in the City of San Francisco—indefinitely postponed.

Assembly bill No. 182, an Act to provide for the election of Supervisors in the County of Napa—amended, and on the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Powers, Perkins, and Holden, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Denver, Doll, Harriman, Hathaway, Heacock, Holden, Merritt, Vineyard, Warmcastle, and Williamson—12.

NOES—Messrs. Banks, Chamberlain, De Long, Gallagher, Gaskill, Harvey, Hill, Kimball, Kutz, Oulton, Pacheco, Powers, Rhodes, Shafter, Soule, and Van Dyke—16.

Mr. Holden offered the following amendment :

“ This Act shall be submitted to the qualified voters of Napa County, for its approval or rejection, at the election on April fifth, eighteen hundred and sixty-two, for School Trustees in said county. The election to be conducted and governed by the provisions of the general election law of this State.

“ If a majority of the qualified voters of said county, voting on said question, vote affirmatively, then the provisions of this Act shall take effect and be in force in said county ; if a majority of the voters of said county, voting on the question, vote negatively, then this Act shall not take effect in said county.”

Upon the adoption of the amendment, the ayes and noes were demanded, by Messrs. Holden, Doll, and Warmcastle.

Mr. De Long moved that the bill be placed at top of the file of special bills.

Carried.

Mr. De Long moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Senate bill No. 283, an Act to amend an Act entitled an Act to establish Pilots and pilot regulations for the port of San Francisco, approved May twentieth, eighteen hundred and sixty-one.

Mr. Merritt moved a call of the Senate.

Carried.

Absent—Messrs. Nixon, Porter, Powers, Thomas, Van Dyke, and Watt.

The bar of the Senate was closed, and the Sergeant-at-Arms dispatched for the absentees.

Mr. Porter appeared at the bar of the Senate, and was excused.

On motion of Mr. De Long, further proceedings under the call were dispensed with.

On the motion to reconsider, Messrs. Merritt, Gallagher, and De Long, demanded the ayes and noes, and the motion was lost, by the following vote :

AYES—Messrs. Bogart, Denver, De Long, Gaskill, Hathaway, Holden, Irwin, Kimball, Lewis, Quint, Shafter, Soule, and Williamson—13.

NOES—Messrs. Baker, Burnell, Doll, Gallagher, Harvey, Harriman, Hill, Kutz, Merritt, Oulton, Parks, Pacheco, Perkins, Porter, Rhodes, Shurtleff, Van Dyke, and Vineyard—18.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Parks, for an Act to cede certain territory of the State of California to the Territory of Nevada.

By Mr. Perkins, of Finance Committee, for an Act making appropriations for the support of the civil government of this State for the fourteenth fiscal year, commencing on the first day of July, eighteen hundred and sixty-two, and ending June thirtieth, eighteen hundred and sixty-three.

Read first and second times, and placed at top of file for Tuesday, March twenty-fifth.

By Mr. Merritt, for an Act to authorize and empower Attorneys at law to administer oaths in certain cases.

Read first and second times, and referred to Judiciary Committee.

Also, for an Act to amend an Act entitled an Act concerning Coroners, passed April nineteenth, eighteen hundred and fifty.

Read first and second times, and referred to Committee on State Hospitals.

By Mr. Porter, for an Act to provide for the establishment, maintenance, and protection of public and private roads, in the County of Santa Cruz.

Read first and second times, and placed on file.

Also, an Act amendatory of an Act for the government of the State Prison convicts, and to provide for the location of a branch prison, approved April twenty-fourth, eighteen hundred and fifty-five.

Read first and second times, and referred to the Committee on Public Buildings.

By Mr. Denver, for an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Salmon Falls, in the County of El Dorado.

Read first and second times, and placed on file.

By Mr. Shurtleff, for an Act to amend an Act amendatory of an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State, approved April twenty-fifth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, eighteen hundred and sixty, and an Act approved May sixteenth, eighteen hundred and sixty-one.

Read first and second times, and referred to Committee on Claims.

By Mr. Banks, for an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Finance.

Also, an Act to provide for the change of the name of James Fitzpatrick.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Doll, for an Act to alter and define the northern boundary line of Tehama County.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

Mr. Heacock presented certain accounts, which were referred to the Committee on Contingent Expenses.

Mr. Irwin presented a petition, which was filed with Senate bill No. 356.

Mr. Shafter reported back Senate bill No. 229, and accompanying petition, without recommendation.

On motion of Mr. Shafter, unanimous leave was granted to the Engraving Clerk to insert the words "per day" in section six of Senate bill No. 217.

On motion of Mr. Merritt, at four o'clock, P. M. the Senate adjourned.

J. McM. SHAFTER,

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER, }  
Monday, March 24th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

## PETITIONS.

Mr. Shurtleff presented a petition of citizens of Shasta County, remonstrating against the proposed change in the southern and eastern boundary lines of the County of Shasta.

Referred to the Committee on Counties and County Boundaries.

Mr. Harriman presented a petition of citizens of Placer County, remonstrating against any change in the present Attachment Law.

Referred to the Judiciary Committee.

## REPORTS.

Mr. Kutz, from the Committee on Counties and County Boundaries, made the following report:

MR. PRESIDENT:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 335, an Act to provide for the County of Coso, have had the same under consideration, report the same back, and recommend that it be indefinitely postponed;

Also, Senate bill No. 337, an Act to create the County of Chico, to de-



fine its boundaries, and provide for its organization, and recommend that it be indefinitely postponed;

Also, a petition of certain citizens of Klamath County, praying for a change of the boundary line between Klamath and Humboldt Counties, and report the same back, without recommendation;

Also, Senate bill No. 219, an Act to amend an Act entitled an Act to define the boundaries and provide for the organization of Lake County, and recommend that it do not pass.

KUTZ, Chairman.

Mr. Oulton, from the Committee on Mines and Mining Interests, made the following report:

MR. PRESIDENT:—The Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 324, an Act supplemental to an Act entitled an Act to create the office of State Geologist, and define the duties thereof, report the same back, and recommend that it do not pass.

OULTON, Chairman.

Mr. Soule made a verbal report, recommending the passage of Assembly bill No. 36, an Act to authorize Lewis E. Morgan, his associates or assigns, to construct and maintain a wharf in Contra Costa County.

Mr. Holden, from the Sonoma and Mendocino delegation, made the following report:

MR. PRESIDENT:—The delegation from Mendocino and Sonoma Counties, to whom was referred Assembly bill No. 97, an Act to authorize Joseph B. Price and his associates to construct and maintain a turnpike road from Cloverdale to Sanel, and to charge and collect tolls for travel thereon, have had the same under consideration, and recommend the passage of the bill, without amendment.

HOLDEN,  
HILL.

Mr. Watt, from the Nevada delegation, made the following report:

MR. PRESIDENT:—The delegation from Nevada, to whom was referred Assembly bill No. 168, an Act to fix the compensation of the County Judge of Nevada County, have had the same under consideration, and recommend its indefinite postponement.

WATT, for Delegation.

Mr. Hathaway, from the San Francisco and San Mateo delegation, made the following report:

MR. PRESIDENT:—The delegation from San Francisco and San Mateo, to whom was referred Assembly bill No. 205, have had the same under consideration, and ask leave to report the same back, and recommend its passage.

HATHAWAY, Chairman.

On motion of Mr. Hathaway, the rules were suspended, and Assembly bill No. 205, an Act to provide for the election of a Superintendent of

Common Schools in the County of San Mateo, above reported, was read third time, and passed.

Mr. Burnell made the following report :

MR. PRESIDENT :—Your Committee to whom was referred Senate bill No. 340, report the same back, and recommend its passage.

BURNELL.

On motion of Mr. Burnell, the rules were suspended, and Senate bill No. 340, above reported, was considered engrossed, read third time, and passed.

Mr. Kimball, from the Sierra delegation, made the following report :

MR. PRESIDENT :—The delegation from Sierra, to whom was referred Assembly bill No. 342, an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seven-teenth, eighteen hundred and sixty-one, report the same back, with an amendment, and recommend its passage as amended.

KIMBALL.

On motion of Mr. Kimball, the rules were suspended, and Assembly bill No. 342, above reported, was considered, amendment of committee adopted, read third time, and passed.

Mr. Doll, from the Tehama delegation, made the following report :

MR. PRESIDENT :—The delegation from Tehama have had under consideration Senate bill No. 222, and beg leave to report the same back, with amendments to the Assembly amendments, and recommend the adoption of such amendments and the concurrence of the Senate in the Assembly amendments.

DOLL, of Delegation.

Mr. Holden made a verbal report, recommending the passage of Assembly bill No. 218, an Act to authorize and empower Frederick Brown, or his assigns, to construct and maintain booms and piers on Gaspar creek, in the County of Mendocino.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 22d, 1862. }

MR. PRESIDENT :—The Assembly, on the twenty-first of March, eighteen hundred and sixty-two, passed Assembly bill No. 275, an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars ;

Also, this day passed Assembly bill No. 328, an Act to amend an Act approved February nineteenth, eighteen hundred and sixty-two, entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 22d, 1862. }

Mr. PRESIDENT:—The Assembly have this day amended and passed Senate bill No. 84, an Act amendatory of an Act to prevent the trespassing of animals on private property;

Also, amended and passed Senate bill No. 101, an Act amendatory of an Act to authorize married women to transact business in their own names;

Also, passed Senate bill No. 165, an Act concerning roads in the County of Mariposa;

Also, passed Assembly bill No. 40, an Act for the relief of William P. Sayward;

Also, passed substitute for Senate bill No. 29, an Act concerning corporations.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate bill No. 275, above reported, read first and second times, and referred to Placer delegation.

Assembly bill No. 328, above reported, read first and second times, and placed on file.

Assembly bill No. 213, above reported, read first and second times, and placed on file.

Assembly bill No. 40, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 101, above reported, the Assembly amendments concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Chamberlain, for an Act to create the office of State Microscopographer.

Read first and second times, and placed on file.

By Mr. Shafter, for an Act in relation to the grade of certain streets in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Hill, for an Act to prevent the adulteration of food and liquors.

Read first and second times, and placed on file.

By Mr. Rhodes, for an Act concerning the locating and patenting of certain Swamp and Overflowed Lands.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Burnell, for an Act to authorize the Executrix and Executor of the estate of John Frye, deceased, to sell the real estate of deceased, at private sale.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Lewis, for an Act to appropriate money to pay the claim of Charles S. Fairfax, for costs in certain suits where the State was interested.

Read first and second times, and referred to the Committee on Claims.

By Mr. Denver, for an Act for the collection of taxes due on consigned goods.

Read first and second times, and referred to the Finance Committee.

GENERAL FILE.

Substitute for Assembly bill No. 99, an Act to provide for the payment of the quota of the direct tax apportioned to this State, etc.—Assembly amendments amended and concurred in.

Senate bills Nos. 10 and 12, relative to certain evidences—laid on table.

Senate bill No. 282, an Act supplementary to an Act amendatory of an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four—amended, rules suspended, considered engrossed, read third time, and on its passage, the ayes and noes were demanded, by Messrs. De Long, Gallagher, and Pacheco, and taken, with the following result:

AYES—Messrs. Bogart, Denver, De Long, Doll, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Holden, Lewis, Pacheco, Perkins, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Watt, and Williamson—22.

NOES—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Kutz, Parks, and Porter—8.

And the title was amended.

Assembly bill No. 97, an Act to authorize Joseph B. Price, and his associates, to construct and maintain a turnpike road from Cloverdale to Sanel, and to charge and collect tolls for travel thereon—rules suspended, read third time, and passed.

Senate bill No. 357, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Salmon Falls, in the County of El Dorado—considered as in Committee of the Whole, reported with amendments, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 288, an Act to correct a clerical error in an Act entitled an Act to transfer certain funds, passed March eleventh, eighteen hundred and sixty-two—read third time, and passed.

On motion of Mr. Irwin, Senate bill No. 337, an Act to create the County of Chico, to define its boundaries, and to provide for its organization—was made the special order for to-morrow, at half past twelve o'clock, P. M.

The following communication was received from the Board of War Examiners, accompanied by their report:

BOARD OF WAR EXAMINERS,  
Sacramento, March 22d, 1862. }

*To the President of the Senate:*

Herewith find report of the Board of War Examiners, made in pursuance of a concurrent resolution of the Legislature.

WILLIAM C. KIBBE,  
President of the Board of Examiners.



The report was referred to the Committee on Military Affairs, and ordered printed.

On motion of Mr. Harvey, the Engrossing Clerk, by unanimous consent, was authorized to insert the words "or appointed," after the word "elected," in the twelfth line of the first section of Senate bill No. 350.

By unanimous consent, the Forty-Fifth Rule was suspended, and the Secretary directed to transmit Senate bill No. 273 to the Assembly.

Mr. Perkins moved a suspension of the rules, for the purpose of considering Senate bill No. 312.

Upon which, the ayes and noes were demanded, by Messrs. Oulton, Merritt, and Heacock, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, Harvey, Heacock, Hill, Holden, Pacheco, Perkins, and Porter—11.

NOES—Messrs. Baker, Bogart, De Long, Doll, Harriman, Hathaway, Irwin, Kutz, Lewis, Merritt, Oulton, Parks, Rhodes, Shafter, Soule, Van Dyke, Vineyard, and Watt—18.

On motion of Mr. Perkins, Senate bill No. 77 was taken from the general file, and recommitted to the Finance Committee.

#### REPORTS.

Mr. Burnell, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined substitute for Senate bill No. 217, entitled an Act to appoint Commissioners to adjust the affairs of the Counties of San Joaquin and Stanislaus, and report the same correctly engrossed.

BURNELL, Chairman.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 182, an Act concerning hogs running at large in the County of El Dorado ;

Also, Senate bill No. 67, an Act providing for an Attorney and Counsellor in and for the City and County of San Francisco ;

Also, Senate bill No. 203, an Act to authorize the officers of Visalia Lodge of F. and A. Masons to sell and convey certain property belonging to said Lodge ;

Also, Senate bill No. 169, an Act to submit the location of the county seat of Stanislaus County to the qualified electors thereof ;

Also, Senate bill No. 127, an Act to pay the Board of Managers of the State Institution of the Indigent Deaf, Dumb, and Blind ;

Also, Senate bill No. 170, an Act concerning the sale of certain School Lands in Tulare County ; and this day, March twenty-fourth, eighteen hundred and sixty-two, delivered the same to the Governor, for his approval.

PORTER, Chairman.

Mr. Pacheco made a verbal report, recommending the passage of Sen-

ate bill No. 371, an Act concerning the location and patenting of Swamp and Overflowed Lands.

The rules were suspended, bill considered engrossed, read third time, passed, the Forty-Fifth Rule suspended, and the Secretary directed to transmit to the Assembly.

Mr. Oulton, from the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 350, an Act to amend an Act entitled an Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine, and report the same correctly engrossed.

OULTON, for Committee.

#### GENERAL FILE RESUMED.

Senate bill No. 284, an Act concerning passengers arriving in the different ports of this State—considered as in Committee of the Whole, reported with amendments, and amendments adopted.

Mr. Banks moved that the rules be suspended, bill considered engrossed, read third time, and put upon its passage.

Upon which, the ayes and noes were demanded, by Messrs. Banks, Parks, and Oulton, and taken, with the following result :

AYES—MESSRS. Banks, Burnell, Chamberlain, Doll, Harvey, Heacock, Hill, Kimball, Kutz, Oulton, Parks, Pacheco, Perkins, Rhodes, Shafter, and Van Dyke—16.

NOES—MESSRS. Baker, Bogart, Crane, Denver, De Long, Gallagher, Harriman, Hathaway, Holden, Irwin, Lewis, Merritt, Porter, Quint, Soule, Shurtleff, Watt, and Williamson—18.

Upon ordering the bill to be engrossed and read third time, the ayes and noes were demanded, by Messrs. Banks, Parks, and Burnell, and taken, with the following result :

AYES—MESSRS. Baker, Banks, Bogart, Burnell, Chamberlain, De Long, Doll, Harvey, Harriman, Hathaway, Heacock, Hill, Kimball, Kutz, Merritt, Oulton, Parks, Perkins, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Watt—24.

NOES—MESSRS. Crane, Denver, Gallagher, Holden, Irwin, Lewis, Quint, and Williamson—8.

Senate bill No. 269, an Act providing for coast defence.

Mr. Denver moved to recommit to the Committee on Military Affairs, with instructions to insert a clause in the bill providing means to pay the amount therein named.

Upon which, the ayes and noes were demanded, by Messrs. Perkins, Pacheco, and Merritt, and taken, with the following result :

AYES—MESSRS. Baker, Bogart, Burnell, Denver, Harvey, Holden, Irwin, Merritt, Parks, Quint, Vineyard, Watt, and Williamson—13.

NOES—MESSRS. Banks, Chamberlain, Crane, Doll, Gallagher, Gaskill, Harriman, Hathaway, Heacock, Hill, Kimball, Kutz, Oulton, Pacheco, Perkins, Porter, Rhodes, Shafter, Soule, Shurtleff, and Van Dyke—21.

Mr. Watt then moved to adjourn.

Carried.

And at ten minutes past five o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 25th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

A communication was presented by the Chair, from the Dashaway Association, inviting the Senate to be present at the dedication of the new hall, in this city.

Invitation accepted.

Mr. Kutz offered a concurrent resolution relative to requesting the Governor to telegraph to the Secretary of State of the United States for information in regard to our foreign relations.

Mr. Gallagher moved to lay on the table.

Lost.

On motion of Mr. Chamberlain, the resolution was amended by striking out "By the Senate, the Assembly concurring."

The hour for the general file having arrived, Mr. Porter moved to suspend the consideration of the file to consider the resolution now.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Soule, and Oulton, and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Crane, De Long, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Kutz, Lewis, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, Warmcastle, and Watt—26.

NOES—Messrs. Denver, Doll, Gallagher, Gaskill, Irwin, Kimball, Merritt, Parks, Pacheco, Quint, Van Dyke, Vineyard, and Williamson—13.

So the rules were suspended, and the resolution was adopted.

Mr. Burnell moved to take up the file of special and local bills.

Upon which, the ayes and noes were demanded, by Messrs. Doll, Denver, and Perkins, and taken, with the following result:

AYES—Messrs. Banks, Bogart, Burnell, De Long, Gallagher, Harvey, Hathaway, Hill, Irwin, Nixon, Parks, Pacheco, Porter, Powers, Quint, Soule, and Warmcastle—17.

NOES—Messrs. Chamberlain, Crane, Denver, Doll, Harriman, Holden, Merritt, Oulton, Perkins, Rhodes, Shafter, Shurtleff, and Watt—13.

Mr. Watt raised a point of order, that the general file was the special order from twelve o'clock M. until two o'clock P. M., and that the special bills taken from the file could not be considered at the present time without a suspension of the rules.

The Chair decided the point of order not well taken, as the special bills were part of the general file.

Mr. Watt appealed.

The Chair was sustained.

Mr. Rhodes, by leave, made the following report from the Judiciary Committee :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 343—proposed amendments to the Constitution of the State of California—beg leave to report that they have had the same under consideration, and recommend its passage ;

They have also considered Assembly bill No. 137, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty, and recommend its passage ;

They have also considered Senate bill No. 299, an Act to exempt from forced sale, on execution, the property of persons in the United States Army, or Navy, and recommend that the same be indefinitely postponed, on the ground that the same is unconstitutional ;

They have also considered Assembly bill No. 171, an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, and recommend its passage ;

They have also considered Senate bill No. 247, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and sixty-one, and report the same back, with an amendment, and recommend its passage, as amended ;

They have also had under consideration Senate bills Nos. 23 and 105, concerning the appointment of a State Gauger for the port of San Francisco, and recommend that they be indefinitely postponed ;

They have also considered the substitute for the two above enumerated bills, reported by the Committee on Commerce and Navigation, and report the same back, with amendments, and recommend the passage of the substitute as amended ;

They have also had under consideration Assembly bill No. 186, an Act to amend an Act entitled an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one, and report the same back, with an amendment, and recommend its passage as amended ;

They have also considered Senate bill No. 260, an Act concerning the amendment and repeal of statutes, and report the same back, with an amendment, and recommend its passage as amended ;

They have also considered Assembly bill No. 133, an Act to provide for the appointment of Notaries Public, and defining their duties—a majority of the Committee recommend its passage, a minority thereof dissent.

A. L. RHODES, Chairman.



Mr. Irwin moved a suspension of the rules for the purpose of considering Senate bill No. 337.

Lost.

GENERAL FILE.

Assembly bill No. 182, an Act to provide for the election of Supervisors in the County of Napa—was amended.

Upon its third reading, the ayes and noes were demanded, by Messrs. Heacock, De Long, and Holden, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, De Long, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Hill, Irwin, Kutz, Oulton, Parks, Pacheco, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, and Van Dyke—24.

NOES—Messrs. Baker, Bogart, Heacock, Holden, Lewis, Merritt, Nixon, Vineyard, Warmcastle, Watt, and Williamson—11.

The bill was read third time.

On its passage, the ayes and noes were demanded, by Messrs. Holden, Gallagher, and Shurtleff, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, De Long, Gallagher, Gaskill, Harvey, Harriman, Hill, Holden, Irwin, Kutz, Oulton, Pacheco, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, and Van Dyke—22.

NOES—Messrs. Baker, Bogart, Doll, Hathaway, Heacock, Lewis, Merritt, Parks, Quint, Vineyard, Watt, and Williamson—12.

Mr. Holden gave notice of a reconsideration.

Substitute for Senate bill No. 98, an Act authorizing Eugene L. Sullivan, James Bowman, John A. McGlynn, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco—recommended to San Francisco delegation.

On motion of Mr. Gallagher, Senate bill No. 218, an Act for the relief of the contractors upon the foundation and basement walls of the State Capitol building, at Sacramento, was placed at top of file for to-morrow, at twelve o'clock, M.

Mr. Oulton, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and report correctly engrossed, Senate bill No. 284, an Act amendatory of and supplementary to an Act entitled an Act concerning passengers arriving in the ports of this State, approved May third, eighteen hundred and fifty-two, and the several Acts amendatory and supplemental thereto.

OULTON, for Committee.

Mr. De Long moved that the San Francisco delegation be instructed to report back Assembly bill No. 142 now.

Mr. Irwin moved to take up the special order, Senate bill No. 337, an Act to create the County of Chico, to define its boundaries, and provide for its organization.

Upon division, the question was put and carried, and the vote declared.

The ayes and noes were then demanded by Messrs. De Long, Lewis, and Gallagher.

Objections being made against the ayes and noes being called at this time, the Chair (Mr. Merritt) decided that a call for the ayes and noes was in order.

From which decision Mr. Shafter appealed.

The question then being: Shall the decision of the Chair stand as the judgment of the Senate?—was put, and the Chair was sustained.

The roll was then called, with the following result:

**AYES**—Messrs. Banks, Burnell, Crane, Doll, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Holden, Irwin, Merritt, Nixon, Oulton, Parks, Perkins, Powers, Quint, Van Dyke, Warmcastle, and Williamson—22.

**NOES**—Messrs. Chamberlain, De Long, Kutz, Pacheco, Shafter, Soule, Shurtleff, and Vineyard—8.

So the special order, Senate bill No. 337, was then taken up.

Upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Irwin, Parks, and De Long, and taken, with the following result:

**AYES**—Messrs. Chamberlain, De Long, Gallagher, Gaskill, Harriman, Hathaway, Kutz, Merritt, Nixon, Pacheco, Porter, Powers, Rhodes, Shafter, Shurtleff, Van Dyke, and Williamson—17.

**NOES**—Messrs. Baker, Bogart, Burnell, Irwin, Oulton, Quint, and Soule—7.

#### REPORTS.

Mr. Chamberlain made the following report:

**Mr. President:**—Your Committee to whom was referred Senate bill No. 84, an Act to amend an Act supplementary to an Act to prevent the trespassing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five, with the Assembly amendments thereto, having had the same under consideration, report it back, and recommend its passage as amended.

**CHAMBERLAIN, Chairman.**

Mr. Parks, from the Committee on Claims, made the following report:

**Mr. President:**—The Committee on Claims have had under consideration Senate bill No. 373, being the claim of Charles S. Fairfax, for two thousand one hundred and ninety-nine dollars and twenty cents, for costs in certain suits wherein the State was a party, and report the same back, with an amendment, and recommend its passage as amended.

Amend by inserting proviso, requiring said Fairfax to receipt in full for all demands.

Also, have had under consideration Senate bill No. 345, being to provide for the redemption of bonds issued for expenses for the suppression of Indian hostilities, and report the same back, with an amendment, and recommend its passage as amended.

**PARKS, Chairman.**

Mr. Heacock, from the Committee on Public Buildings, made the following report:

MR. PRESIDENT :—Your Committee on Public Buildings make the following report : that they have examined Senate bill No. 186, and recommend that the same be indefinitely postponed ;

Also, Senate bill No. 361, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 126, and report the same back, without any recommendation.

HEACOCK, Chairman.

Mr. Nixon made the following report :

MR. PRESIDENT :—Your Committee to whom was referred Senate bill No. 363, an Act to change the name of James Fitzpatrick, have had the same under consideration, and recommend its passage.

NIXON, Chairman.

Mr. Banks, from the Committee on Corporations, made the following reports :

MR. PRESIDENT :—Your Committee on Corporations, to whom was referred Senate bill No. 173, an Act to provide for the incorporation of canal companies, ask leave to report the same back, with a substitute, and recommend the passage of the substitute.

BANKS, Chairman.

MR. PRESIDENT :—The delegations from San Francisco, Sacramento, and Sutter, to whom was referred Senate bill No. 276, an Act concerning melodeons and other places of public amusements, have had the same under consideration, report the same back, with a substitute, and recommend the passage of the substitute.

BANKS, for the Delegation.

Mr. Holden made the following report :

MR. PRESIDENT :—The Special Committee to whom was referred Senate bill No. 215, an Act to amend an Act to authorize the construction of certain wharves, approved February twenty-first, eighteen hundred and fifty-nine, have had the same under consideration, and recommend the passage of the bill.

HOLDEN.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 22d, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 153, an Act to authorize James Craig, Guardian of the infant heirs of Michael Flanigan, deceased, to sell property in Tuolumne County ;

Also, Senate bill No. 184, an Act to authorize the Governor of this State to convey certain lands ;

Also, Senate bill No. 55, an Act to grant the right to construct a bridge across the Mokelumne River, at a point known as Big Bar, in Calaveras County ; and to construct and maintain a road from Mokelumne Hill, in



the County of Calaveras, to the Village of Butte, in the County of Amador, to Louis Lohr, and others;

Also, Senate bill No. 97, an Act for the relief of John T. Carey, late Treasurer of Klamath County;

Also, Senate bill No. 118, an Act concerning roads and highways in the County of Alameda;

Also, Senate bill No. 135, an Act to enable the Mayor and Common Council of the City of Placerville to pay a certain claim of William J. Lewis against said city.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 25th, 1862.

*To the Honorable the Senate of California :*

I would respectfully represent to your honorable body that the salary of one hundred and fifty dollars per month, now allowed to the Private Secretary of the Governor, is not sufficient to secure the services of a competent and desirable person, and I would recommend that the salary be raised to two hundred and fifty dollars per month.

I would also represent that the services of a Clerk are needed in the Executive Department, and that an allowance of two hundred dollars per month would be a just compensation for such services.

LELAND STANFORD, Governor.

The above messages were referred to the Finance Committee.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 25th, 1862. }

MR. PRESIDENT:—The Assembly, on the twenty-fourth instant, concurred in Senate amendment to Assembly amendment of substitute for Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax;

Also, on the twentieth of March, passed Assembly bill No. 217, an Act concerning public roads and highways in the County of Monterey;

Also, on the twenty-first of March, passed Assembly bill No. 214, an Act to authorize the Commissioners of the Funded Debt of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate, pursuant thereto;

Also, on the twentieth instant, passed Assembly bill No. 263, an Act to authorize the construction of a wagon road from San Bernardino, through Devil's Cañon, to the Mojave River;

Also, on the twenty-first, passed Assembly bill No. 246, an Act to regulate the fees of the County Surveyor of Napa County;

Also, this day, passed Assembly bill No. 73, an Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay;

Also, this day, indefinitely postponed Senate bill No. 177, an Act to repeal an Act for the relief of purchasers of real estate at sales made by Public Administrators.

W. N. SLOCUM,  
Assistant Clerk.



ASSEMBLY CHAMBER, }  
March 24th, 1862. }

Mr. PRESIDENT :—The House, on the twenty-second instant, concurred in Senate amendment to Assembly amendment of Senate bill No. 199, concerning a bridge across the Cosumnes River;

Also, on same day, amended and passed Senate bill No. 314, an Act to fund the outstanding indebtedness of the County of Mariposa;

Also, on same day, passed Assembly bill No. 270, an Act to provide for arranging and indexing the papers in the office of the Secretary of State;

Also, on the twentieth of March, passed Assembly bill No. 341, an Act concerning the collection of poll taxes, license taxes, etc., in Sierra County;

Also, on the twenty-second instant, passed Senate bill No. 262, concerning officers and collection of taxes in Calaveras County;

Also, this day, passed Assembly bill No. 183, an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado wagon road;

Also, this day, passed Senate bill No. 226, an Act to regulate fees in office in certain counties.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 25th, 1862. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 175, an Act in relation to the Register of the State Land Office;

Also, this day, passed Senate bill No. 205, an Act to authorize Joshua Hendy and others, to construct booms on the Navarro River;

Also, this day, amended and passed Senate bill No. 237, an Act to authorize Joshua Hendy and others to construct a wharf;

Also, this day, amended and passed Senate bill No. 248, an Act to provide for the construction of a wagon road from Red Bluff to the eastern boundary of this State.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 24th, 1862. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 190, an Act to regulate proceedings in civil cases;

Also, passed, and directed immediate transmission to the Senate, Assembly bill No. 343, an Act to provide for the construction of a railroad from Mokelumne City to the Town of Woodbridge, San Joaquin County;

Also, Assembly bill No. 332, an Act for the relief of Oliver and Lewis.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 25th, 1862. }

Mr. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 303, an Act to extend the time for the construction of the second line of telegraph between California and the Eastern States;

Also, this day, passed Assembly bill No. 111, an Act to authorize the

Executor of the estate of John Wilson, late of San Luis Obispo County, to sell personal property, etc.

JOHN SEDGWICK, Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 217, above reported, read first and second times, and placed on file.

Assembly bill No. 73, above reported, read first and second times, and placed on file.

Assembly bill No. 246, above reported, read first and second times, and placed on file.

Assembly bill No. 263, above reported, read first and second times, and placed on file.

Assembly Bill No. 183, above reported, read first and second times, and placed on file.

Assembly bill No. 214, above reported, read first and second times, and placed on file.

Senate bill No. 314, above reported, Assembly amendments were concurred in.

Assembly bill No. 332, above reported, read first and second times, and referred to Committee on Claims.

Assembly bill No. 303, above reported, read first and second times, and referred to Committee on Corporations.

Assembly bill No. 343, above reported, read first and second times, and referred to delegations from Calaveras, San Joaquin, and Amador.

Senate bill No. 237, above reported, Assembly amendments were concurred in.

Senate bill No. 348, above reported, Assembly amendments were concurred in, and title amended.

Assembly bill No. 341, above reported, read first and second times, and referred to Sierra delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Doll, for an Act to amend an Act to provide for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Finance Committee.

Also, for an Act to tax foreign companies doing business in this State.

Read first and second times, and referred to the Finance Committee.

By Mr. Warmcastle, for an Act to amend an Act entitled an Act concerning the Courts of Justice in this State, and judicial officers, passed May nineteenth, eighteen hundred and fifty-three.

Read first and second times, and referred to the Judiciary Committee.

Also, for an Act to further amend an Act authorizing the Guardian or Guardians of certain minors to sell and dispose of their real estate and chattels real, approved April eighth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act to provide for the collection of the taxes on personal property in the City and County of San Francisco.

Read first and second times, and placed on special file.

By Mr. Rhodes, for an Act concerning the redemption of county and city bonds.

Read first and second times, and placed on file.

Also, for an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Porter, for an Act for the encouragement of agriculture.

Read first and second times, and placed on file.

Also, for an Act providing for the issuance of bonds for the Federal war tax of eighteen hundred and sixty-one and eighteen hundred and sixty-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Powers, for an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read first and second times, and placed on file.

By Mr. Crane, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

Mr. Crane presented petition and claim of T. J. A. Chambers, which, with the accompanying papers, were referred to the Committee on Claims.

On motion of Mr. Bogart, at four o'clock and forty-five minutes, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 26th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Holden presented a petition of citizens of Mendocino County, in favor of the Sunday Law.

Placed on file.

## REPORTS.

Mr. Kutz, from the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT :—Your Committee, to whom was referred Senate bill No. 360, an Act to alter and define the northern boundary line of Tehama County, with accompanying petitions, have had the same under consideration, and respectfully report them back, without recommendation.

KUTZ, Chairman.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 354, an Act to authorize and empower Attorneys at law to administer oaths in certain cases, beg leave to report that they have had the same under consideration, and report it back, with an amendment, and a majority of the Committee recommend its passage.

They have also considered Assembly bill No. 42, an Act to amend an Act, approved May seventeenth, eighteen hundred and sixty, entitled an Act supplementary to an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five, and report the same back, without recommendation.

RHODES, Chairman.

Mr. Perkins, from the Committee on Finance, made the following report :

MR. PRESIDENT :—The Committee on Finance, to whom was referred Senate bill No. 372, an Act for the collection of taxes due on consigned goods, have had the same under consideration, and report the same back, and recommend its passage ;

Also, have considered Assembly bills Nos. 20 and 21, and report the same back, and recommend their indefinite postponement ;

Also, have considered Senate bill No. 122, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and a majority of your Committee recommend its passage.

PERKINS, Chairman.

Mr. Hill, from the Committee on State Hospitals, made the following report :

MR. PRESIDENT :—Your Committee on State Hospitals, to whom was referred Senate bill No. 365, an Act to amend an Act concerning Coroners, passed April nineteenth, eighteen hundred and fifty, report that they have considered the bill, and report the same back, without amendment, and recommend its passage.

HILL, for the Committee.

Mr. Chamberlain made the following report :

MR. PRESIDENT :—Your Committee to whom was referred Assembly bill No. 343, an Act to provide for the construction of a railroad from



Mokelumne City to the Town of Woodbridge, in San Joaquin County, having had the same under consideration, report it back, and recommend its passage.

C. H. CHAMBERLAIN,  
R. BURNELL,  
WM. T. LEWIS,  
P. A. GALLAGHER.

The rules were suspended, and Assembly bill No. 343, above reported, was taken up, read third time, and, on its passage, the ayes and noes were demanded, by Messrs. Shafter, Merritt, and Oulton, and taken, with the following result :

AYES—Messrs. Baker, Burnell, Chamberlain, De Long, Doll, Gallagher, Hathaway, Heacock, Hill, Holden, Irwin, Lewis, Nixon, Perkins, Quint, Warmcastle, and Williamson—17.

NOES—Messrs. Bogart, Crane, Denver, Gaskill, Harvey, Kimball, Oulton, Parks, Pacheco, Rhodes, Shafter, Soule, Shurtleff, and Watt—14.

Mr. Holden moved to reconsider the vote by which Assembly bill No. 182, an Act to provide for the election of a Board of Supervisors in Napa County, passed on yesterday.

Lost.

Mr. Powers moved to suspend the rules and take up Senate bill No. 36, an Act to create a Contingent Fund for the County of Solano.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Heacock, and Oulton, and taken, with the following result :

AYES—Messrs. Banks, Bogart, Crane, Harvey, Harriman, Hathaway, Heacock, Hill, Kimball, Kutz, Lewis, Nixon, Perkins, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—23.

NOES—Messrs. Baker, Burnell, Denver, De Long, Gallagher, Holden, Oulton, Pacheco, and Porter—9.

So the motion was carried.

On the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Powers, Soule, and Parks, and taken, with the following result :

AYES—Messrs. Bogart, Denver, De Long, Doll, Gallagher, Harvey, Hill, Holden, Parks, Porter, Quint, Shurtleff, and Watt—13.

NOES—Messrs. Baker, Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Heacock, Kutz, Lewis, Merritt, Nixon, Oulton, Perkins, Powers, Shafter, Soule, and Warmcastle—18.

The rules were suspended.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Doll, Denver, and Bogart, and taken, with the following result :

AYES—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Heacock, Kutz, Lewis, Merritt, Nixon, Oulton, Perkins, Powers, Shafter, Soule, Warmcastle, and Williamson—20.

NOES—Messrs. Bogart, Denver, De Long, Doll, Gallagher, Harvey,

Hill, Kimball, Parks, Pacheco, Porter, Quint, Rhodes, Shurtleff, and Watt—15.

The Forty-Fifth Rule was suspended.

Mr. Lewis moved to take up Senate bill No. 373, an Act to appropriate money to pay the claim of Charles S. Fairfax, for costs in certain cases where the State was interested.

Upon which, the ayes and noes were demanded, by Messrs. Soule, Quint, and Watt, and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Burnell, Denver, De Long, Doll, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Kimball, Kutz, Lewis, Merritt, Nixon, Pacheco, Powers, Quint, Soule, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—29.

NOES—Messrs. Chamberlain, Crane, Oulton, Parks, Porter, and Shafter—6.

The bill was amended, rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Mr. Soule moved to take up Senate bill No. 229, an Act to confirm possession to lands in the City and County of San Francisco, held under Ordinance No. 882, commonly called the Van Ness Ordinance, etc.

Upon which, the ayes and noes were demanded, by Messrs. Soule, Heacock, and Shafter, and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Burnell, De Long, Harvey, Hathaway, Heacock, Hill, Holden, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Powers, Quint, Shafter, Soule, Shurtleff, Warmcastle, Watt, and Williamson—24.

NOES—Messrs. Chamberlain, Denver, Gallagher, Gaskill, Harriman, Parks, and Porter—7.

On motion of Mr. Perkins, the bill was made the special order for Wednesday, April second, at twelve o'clock, m.

On motion of Mr. Merritt, Senate bill No. 147, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, was taken up, and Assembly amendments concurred in.

Mr. Merritt offered a concurrent resolution relative to inventors, discoverers, etc.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 26th, 1862. }

MR. PRESIDENT:—The Assembly this day adopted Assembly concurrent resolution No. 21, in which they ask the immediate concurrence of the Senate. The resolution is relative to the transmission to this Legislature, by the Secretary of State, of the official Journals of the twelfth session.

W. N. SLOCUM,  
Assistant Clerk.

The resolution above reported, was concurred in.

Mr. Burnell, from the Committee on Engrossment, made the following report :

MR. PRESIDENT :—The Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 282, an Act supplementary to an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four ;

Also, Senate bill No. 357, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Salmon Falls, in the County of El Dorado ;

Also, Senate bill No. 368, an Act to authorize the Executrix and Executor of the estate of John Frye, deceased, to sell the real estate of said deceased at private sale.

BURNELL, Chairman.

#### GENERAL FILE.

Mr. Perkins moved to suspend the rules, and take up Senate bill No. 355, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year, commencing on the first day of July, A. D. eighteen hundred and sixty-two, and ending on the thirtieth day of June, eighteen hundred and sixty-three.

Upon which, the ayes and noes were demanded, by Messrs. Doll, Perkins, and Nixon, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, Denver, Doll, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Kimball, Kutz, Lewis, Merritt, Nixon, Parks, Perkins, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Williamson—27.

NOES—Messrs. Baker, Gallagher, Porter, and Warmcastle—4.

Mr. Van Dyke moved to make the bill the special order for Friday, March twenty-eighth, and that the usual number of copies be ordered printed.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Perkins and Oulton, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Burnell, De Long, Gallagher, Holden, Merritt, Pacheco, Porter, Warmcastle, and Williamson—11.

NOES—Messrs. Banks, Chamberlain, Crane, Denver, Doll, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Kimball, Kutz, Lewis, Oulton, Parks, Perkins, Quint, Rhodes, Shafter, Soule, Shurtleff, and Watt—23.

Mr. Porter moved to recommit the bill to the Committee on Finance, with instructions to confer with the Committee on Ways and Means of the House.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Perkins and Shafter, and taken, with the following result :

AYES—Messrs. Baker, Merritt, Porter, and Williamson—4.

NOES—Messrs. Banks, Burnell, Chamberlain, Crane, Denver, De Long, Doll, Gaskill, Harvey, Harriman, Hathaway, Hill, Holden, Kimball, Kutz, Lewis, Oulton, Parks, Perkins, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Watt—26



The Senate then proceeded with the consideration of the bill, as in Committee of the Whole, reported with amendments, amendments concurred in.

On concurring in the amendment to strike "eighteen hundred dollars" out of the first section, and insert "twenty-four hundred dollars," the ayes and noes were demanded, by Messrs. Denver, Powers, and Hathaway, and taken, with the following result :

**AYES**—Messrs. Banks, Burnell, Chamberlain, Gaskill, Harvey, Harriman, Hathaway, Hill, Kimball, Kutz, Lewis, Merritt, Nixon, Parks, Perkins, Porter, Powers, Shafter, Shurtleff, Van Dyke, and Williamson—21.

**NOES**—Messrs. Bogart, Crane, Denver, De Long, Doll, Gallagher, Holden, Irwin, Oulton, Rhodes, Soule, Vineyard, and Warmcastle—13.

The rules were suspended, bill considered engrossed, read third time, and passed.

Senate bill No. 57, an Act appropriating moneys for the benefit of certain orphan asylums in this State—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 203, an Act to pay the claim of William P. Michenor—read third time, and passed.

Mr. Harvey made the following report :

Mr. PRESIDENT:—The El Dorado delegation, to whom was referred Senate bill No. 220, have had the same under consideration, and report the same back, and recommend the passage of a substitute.

O. HARVEY, for the Delegation.

Senate bill No. 220, above reported, substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 313, amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Kimball made the following report :

Mr. PRESIDENT:—The delegation to whom was referred Assembly bill No. 341, an Act concerning the collection of poll taxes, license taxes, and foreign miners' license taxes, in the County of Sierra, report the same back, and recommend its passage.

KIMBALL.

Assembly bill No. 341, above reported, read third time, and passed.

Senate bill No. 241, an Act to appropriate money for the relief of destitute females in the State of California.

Mr. Denver moved to amend the first section by striking out "five," and inserting "two."

Upon which, the ayes and noes were demanded, by Messrs. Denver, Doll, and Porter, and taken, with the following result :

**AYES**—Messrs. Denver, Doll, Harvey, Harriman, Kimball, Oulton, Parks, Porter, Rhodes, Van Dyke, and Warmcastle—11.

**NOES**—Messrs. Banks, Bogart, Burnell, Chamberlain, Crane, De Long,



Gallagher, Gaskill, Heacock, Holden, Kutz, Nixon, Perkins, Powers, Quint, Shafter, Soule, Shurtleff, Watt, and Williamson—20.

The rules were suspended, bill considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Senate bill No. 333, an Act to grant the right to construct a turnpike road between the Town of Murphy's, in Calaveras County, and the eastern boundary line of the State of California—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 156, an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers of the City and County of San Francisco, etc.—amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 377, an Act to provide for the collection of taxes on personal property in the City and County of San Francisco—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 310, an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 235, an Act in relation to the Board of Supervisors of Butte County, and concerning their powers—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 25th, 1862. }

Mr. PRESIDENT:—The Assembly to-day passed Assembly bill No. 279, an Act to provide for funding the indebtedness of the county of Mendocino;

Also, passed Assembly bill No. 295, an Act concerning the Board of Supervisors of the county of San Bernardino;

Also, passed Assembly bill No. 306, an Act to authorize Charles C. Bowman and his associates, to construct a wharf at the eastern end of the Encinal of San Antonio;

Also, passed Assembly bill No. 307, an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons;

Also, passed Assembly bill No. 309, an Act concerning the Board of Supervisors of Placer County;

Also, passed Assembly bill No. 325, an Act concerning the records of Trinity County.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 25th, 1862. }

Mr. PRESIDENT:—The Assembly, on the twenty-fourth of March, passed an Act to authorize William H. Dickson, J. E. Clayton, and J. W. Pugh,

and their associates, to construct and maintain a toll road in the county of Mono;

Also, same day, passed Assembly bill No. 251, to provide for the construction of a turnpike road in Mono County;

Also, same day, passed Assembly bill No. 260, an Act to incorporate the city of Sonora;

Also, on the twenty-second of March, passed Assembly bill No. 280, to amend the Revenue Act;

Also, March twenty-fourth, passed Assembly bill No. 294, an Act to authorize Rita de la Osa to sell the real estate of her deceased husband;

Also, on March twenty-first, passed Assembly bill No. 320, to amend the Revenue Laws;

Also, passed Assembly bill No. 321, an Act to provide for the collection of delinquent taxes in the county of Placer;

Also, passed Assembly bill No. 334, an Act to authorize the Executor of the estate of Samuel Criswell, deceased, to sell real estate.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 26th, 1862. }

Mr. PRESIDENT:—The House to-day recessed from Assembly amendment No. 2 to substitute for Senate bill No. 142, an Act concerning the investment of funds and savings;

Also, concurred in Senate amendment to Assembly bill No. 342, concerning county officers of Sierra county;

Also, concurred in Senate amendments to Assembly bill No. 182, providing for the election of Supervisors of Napa county;

Also, passed Senate bill No. 273, an Act to incorporate the City of Stockton;

Also, passed Assembly bill No. 258, an Act to amend an Act to incorporate the City of Monterey;

Also, notice of reconsideration having been withdrawn, I report the passage of Assembly concurrent resolution No. 22, relative to adjournment.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 26th, 1862. }

Mr. PRESIDENT:—The Assembly this day passed Senate bill No. 394, an Act to provide for the payment of the salary of the County Judge of Sacramento County.

W. N. SLOCUM,

Assistant Clerk.

Assembly concurrent resolution No. 22, relative to rescinding the resolution of adjournment *sine die*, was taken up.

Upon the adoption of the resolution, the ayes and noes were demanded, by Messrs. Perkins, Watt, and Quint, and taken, with the following result:

AYES—Messrs. Baker, Banks, Burnell, Chamberlain, Gallagher, Harvey, Harriman, Heacock, Lewis, Nixon, Parks, Porter, Rhodes, Shurtleff, Van Dyke, and Warmcastle—16.

NOES—Messrs. Bogart, Crane, Denver, Doll, Gaskill, Kutz, Oulton, Perkins, Powers, Quint, Shafter, Soule, Vineyard, Watt, and Williamson—15.

Mr. Shurtleff gave notice of reconsideration.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 260, above reported, read first and second times, and referred to the Tuolumne and Mono delegation.

Assembly bill No. 251, above reported, read first and second times, and referred to the Tuolumne and Mono delegation.

Assembly bill No. 234, above reported, read first and second times, and referred to the Tuolumne and Mono delegation.

Assembly bill No. 280, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 320, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 294, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 334, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 258, above reported, read first and second times, and referred to Monterey delegation.

Assembly bill No. 321, above reported, read first and second times, and referred to Placer delegation.

Assembly bill No. 309, above reported, read first and second times, and referred to Placer delegation.

Assembly bill No. 279, above reported, read first and second times, and referred to Mendocino delegation.

Assembly bill No. 295, above reported, read first and second times, and referred to San Bernardino delegation.

Assembly bill No. 307, above reported, read first and second times, and referred to Butte delegation.

Assembly bill No. 325, above reported, read first and second times, and referred to Trinity delegation.

Assembly bill No. 306, above reported, read first and second times, and referred to the Committee on Corporations.

Mr. Shurtleff presented certain accounts.

Referred to Committee on Contingent Expenses.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 311, an Act concerning the duties of the County Treasurer of the County of San Diego, have had the same under consideration, and report the same back, with a substitute, and recommend the adoption of the substitute.

RHODES, Chairman. ●

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Rhodes, for an Act amendatory of and supplemental to an Act entitled an Act to provide revenue for the support of the Government

of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and placed on the top of the file for Thursday, March twenty-seventh.

By Mr. Van Dyke, for an Act for the payment of expenses incurred by S. G. Whipple, in enrolling volunteers to serve as guides for United States troops, by order of the Governor of this State.

Read first and second times, and referred to Committee on Claims.

By Mr. Watt, for an Act to grant the right to construct a turnpike road between the Town of Grass Valley, in the County of Nevada, and Bear River, at or near McCourtney's Crossing.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Banks, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplemental thereto.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act to appropriate money to the Ladies' Relief Society.

Read first and second times, rules suspended, considered engrossed, read third time, passed, Forty-Fifth Rule suspended, and Secretary directed to transmit to Assembly.

On motion of Mr. De Long, at half past five o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, March 27th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. Burnell, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 340, an Act to provide for the construction of a wagon road, commencing at Antelope Springs, in the County of Amador, and running thence, by the Safford Survey, to Hope Valley, on the eastern slope of the Sierra Nevada Mountains, and report the same correctly engrossed.

BURNELL, Chairman.



Mr. Van Dyke, from the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—The Committee on Military Affairs, of the Senate, and Indian Affairs, of the Assembly, acting jointly, in pursuance of instructions from their respective Houses, have had under consideration the policy of the General Government in regard to Indian matters in this State, and have directed me to report the accompanying resolutions, and recommend their adoption.

The concurrent resolutions asking Congress to extend certain laws relative to the protection of Indians, to California, referred to the Committee, and also the petition of citizens of Round Valley, in the County of Mendocino, have been considered in connection with the matters before us. The substance of the former is embraced in the resolutions herewith reported, and the Committee are unable to make any recommendation in regard to Round Valley Reservation, further than the general one, that all undomesticated Indians should be removed to distant reservations, and kept permanently separated from the white settlements.

VAN DYKE, Chairman.

Mr. Harvey, from the Committee on Swamp and Overflowed Lands, made the following report:

MR. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 348, an Act to authorize the Register of the State Land Office to issue duplicate certificates of purchasers to School or Swamp Lands where the originals have been lost or destroyed, have had the same under consideration, and report the same, with a substitute, and recommend the passage of the substitute.

HARVEY, of Committee.

Mr. Hathaway made the following report:

MR. PRESIDENT:—A minority of the San Francisco delegation, to whom was referred Senate bill No. 125, entitled an Act to provide for the execution of deeds for Pueblo lands of the City and County of San Francisco, report the same back, and recommend its passage, and for these reasons:

The theory of the bill is based upon the idea that, prior to the passage of Ordinance No. 822, commonly known as the "Van Ness Ordinance," the City of San Francisco was the owner of all the land embraced within its corporate limits, as defined by the charter of eighteen hundred and fifty-one, lying west of Larkin street, and southwest of Johnson street.

The Van Ness Ordinance was passed on the twentieth day of June, A. D. eighteen hundred and fifty-five, and granted and relinquished to the parties in the actual possession thereof, by themselves or tenants, on or before the first day of January, A. D. eighteen hundred and fifty-five, all the right and claim of the city to the lands embraced within the charter line of eighteen hundred and fifty-one, which lie west and southwest of those streets.

The City of San Francisco, at the time of the passage of the ordinance, was bounded on the south by a line parallel with Clay street, and two and one half miles distant from the centre of Portsmouth Square, and on the west by a line parallel with Kearny street, and distant two miles from the centre of Portsmouth Square.

The number of blocks covered by the ordinance, lying north of the line of Market street, is about three hundred and fifty-eight, and the number lying south of that line is about four hundred and sixty-one.

The parties in possession of these lands, at the time of the passage of the ordinance, were required to surrender to the city, for public uses, such portions of the same as should be required under the fourth and fifth sections of said ordinance. They should also, in consideration of the grant, surrender such lands as the city should require for streets, school houses, hospitals, fire engine houses, public squares, and other public establishments, for the use of the city; *provided*, that not more than one twentieth part of the land in the possession of any one person should be taken without compensation.

On the twenty-seventh day of September of the same year, the city passed another ordinance, providing for the selection of these reserved lands, and for the plans of the streets in the western and southwestern portion of the city, in accordance with the provisions of Ordinance No. 822, which last ordinance it also confirmed. Commissioners were also appointed to lay off that portion of the city lying west of Larkin and southwest of Johnson streets, and their report and map were adopted and confirmed by Justices of the Peace, exercising the powers of Supervisors, on the sixth day of October, A. D. eighteen hundred and fifty-six.

These ordinances were subsequently confirmed by an Act of the Legislature, passed on the eleventh day of March, A. D. eighteen hundred and fifty-eight.

Some of the parties in possession under the Van Ness Ordinance have complied with the conditions of the grant; others stand ready to do so, and these conditions were the consideration for the grant. By this ordinance and the subsequent proceedings, the city has virtually sold to the parties in possession on the first of January, eighteen hundred and fifty-five, all her interest in the land; and they may be said to hold, by virtue of a contract of sale, upon which the party in possession could file his bill against the city, and compel a specific performance of the contract. But in most of the cases where parties desire to claim and hold under this ordinance, the whole value of the land would hardly defray the expenses of a suit in equity to quiet the title as against the city. It will readily be seen, that in no country in the world is valuable property holden by so uncertain tenure as in this case. Millions of dollars worth of property is holden at the mercy of a disputed fact, or a disputed date, and every month this disputed fact or date is becoming more uncertain and difficult to establish. Witnesses who could establish the fact of a compliance with the conditions of the ordinance, are every day dying, or becoming scattered, and the evidences of title to thousands of homesteads are fast disappearing from our midst.

By the legislation proposed by the bill, parties will be enabled to establish these facts before they shall have become more difficult, or, perhaps, impossible of proof; and by securing a paper title from the city, will, at all times, as against her or those claiming under her by title subsequent to the first of January, eighteen hundred and fifty-five, possess the absolute proof of title.

It is much to be regretted that the power to execute deeds of the city's interest to lands where the conditions of the grant were satisfied, had not been delegated to competent parties at the time of the passage of the ordinance. Had this been done, the whole question of the Van Ness Ordinance would have been settled long since.

The bill provides that ten per cent. of the assessed value of the land,

exclusive of improvements, according to the assessment roll of eighteen hundred and sixty-one and eighteen hundred and sixty-two, shall be paid to the city, upon the execution of a paper title. This is not considered too high, as it will but little more than pay the expenses to which the city will be subjected, and the taxes which are in arrear since the passage of the ordinance.

A minority of the delegation believe the passage of this bill will be an act of justice, generosity, and sound policy, a benefit to the city, and a blessing to the citizen; that it will do more to quiet our land titles than years of litigation, and have the effect, at once, to inspire that confidence in our landed tenures so essentially necessary to our prosperity.

The bill does not affect any property outside of the charter line of eighteen hundred and fifty-one. When the city shall have done some act expressive of her will in regard to the disposition of these lands, the legislation necessary to carry her will into effect can be had, and any action on the part of the Legislature before that time, would, in the opinion of the minority, be premature.

HATHAWAY.

Senate bill No. 125, above reported, made special order for Wednesday next.

Mr. Van Dyke made a verbal report, recommending the passage of Assembly bill No. 127.

Mr. Shurtleff, from the Trinity delegation, made the following report:

MR. PRESIDENT:—The Trinity delegation, to whom was referred Assembly bill No. 325, report the same back, with amendments, and recommend its passage as amended.

SHURTLEFF, of the Delegation.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 26th, 1862.

*To the Honorable the Senate of California:*

I herewith transmit to your honorable body the last Annual Report of the California State Agricultural Society, and the accompanying documents.

There being but one copy of this report, I would request that the Assembly be informed of its reception by the Senate.

LELAND STANFORD, Governor.

The usual number of copies of the above report were ordered printed.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 26th, 1862.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, substitute for Senate bill No. 87, an Act to authorize the construction of a wharf at a point on the southerly bank of the San Joaquin River;



Also, Senate bill No. 170, an Act concerning the sale of certain School Lands in Tulare County;

Also, Senate bill No. 127, an Act to pay the Board of Managers of the State Institution for the care and education of the Deaf, Dumb, and Blind;

Also, Senate bill No. 203, an Act to authorize the officers of Visalia Lodge No. 128, of Free and Accepted Masons, to sell and convey certain property belonging to said Lodge;

Also, Senate bill No. 169, an Act to submit the location of the county seat of Stanislaus County to the qualified electors thereof;

Also, Senate bill No. 182, an Act concerning hogs running at large in the County of El Dorado.

LELAND STANFORD, Governor.

On motion of Mr. Doll, the Enrolling Clerk was directed to return Senate bill No. 147.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rhodes, for an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Shafter, for an Act to amend an Act to regulate the settlement of the estates of deceased persons.

Read first and second times, and referred to the Judiciary Committee.

Mr. Chamberlain moved that the vote by which the usual number of copies of the Agricultural Report was ordered printed, be reconsidered, and that three thousand copies be ordered printed.

Adopted.

Mr. Powers introduced a concurrent resolution relative to the introduction of new business.

Amended and adopted.

Mr. De Long moved that the San Francisco delegation be instructed to report back, immediately, Senate bill No. 142, an Act for the relief of George W. Nixsen.

Carried.

Mr. Shurtleff moved to reconsider the vote by which the Senate, on yesterday, concurred in Assembly concurrent resolution No. 22, relative to adjournment.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Quint, and Perkins, and taken, with the following result:

AYES—Messrs. Bogart, Chamberlain, Crane, Denver, Gaskill, Kutz, Oulton, Perkins, Powers, Quint, Shafter, and Watt—12.

NOES—Messrs. Baker, Banks, Burnell, Gallagher, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Lewis, Merritt, Nixon, Parks, Pacheco, Porter, Rhodes, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Williamson—24.

#### GENERAL FILE.

Senate bill No. 40, an Act granting to certain parties the right to construct and maintain a railroad through certain streets in the City and



County of San Francisco—amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 102 and substitute, an Act to authorize Eugene L. Sullivan, Nathaniel Holland, John Benson, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco—referred to San Francisco delegation, with instructions as given in the motion of Mr. Merritt, as follows:

“That all the bills before the Senate, granting to parties the right to lay down gas pipes in the City of San Francisco, be referred to the delegation from San Francisco, with instructions to ascertain whether the present Consolidation Act gives to the Board of Supervisors of San Francisco authority to grant the right to lay down gas pipes in said city; and if, in the opinion of said delegation, the power is not now conferred by law on said Board of Supervisors, then that said delegation be and are hereby instructed to report such amendments to the San Francisco Consolidation Act as will give to said local Board the power to grant the right to lay down gas pipes in the City of San Francisco to such persons, and upon such terms, as in their judgment the wants and interests of the people of said city may require.”

Adopted.

On motion of Mr. Powers, the vote by which the Senate on yesterday concurred in Assembly amendments to substitute for Senate bill No. 147, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, was reconsidered, and the bill referred to the Finance Committee.

Senate bill No. 181, an Act to legalize certain records in the office of the Recorder of the City and County of San Francisco, to make their contents notice and *prima facie* evidence—was laid on the table.

Senate bill No. 287, an Act to provide for the purchase of three hundred copies of Labatt's Digest of California Reports—was amended, rules suspended, and considered engrossed.

On its passage, the ayes and noes were demanded, by Messrs. Chamberlain, Parks, and De Long, and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Crane, De Long, Doll, Harvey, Harriman, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Nixon, Pacheco, Porter, Powers, Quint, Rhodes, Shurtleff, and Vineyard—22.

NOES—Messrs. Burnell, Chamberlain, Gallagher, Gaskill, Hathaway, Kimball, Kutz, Oulton, Parks, Shatter, Van Dyke, Warmcastle, and Watt—13.

Senate bill No. 250, an Act to appropriate money to pay the claims of James H. Hawkins and Myron Norton—was indefinitely postponed.

Senate bill No. 292, an Act to pay Paul R. Hunt the sum therein mentioned—was amended, and rules suspended.

On ordering the bill to be read third time, the ayes and noes were demanded, by Messrs. Perkins, Burnell, and Gallagher, and taken, with the following result:

AYES—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Gallagher, Gaskill, Harvey, Heacock, Hill, Irwin, Kimball, Kutz, Lewis, Nixon,

Oulton, Parks, Pacheco, Porter, Quint, Shurtleff, Van Dyke, and Vineyard—23.

NOES—Messrs. Denver, Perkins, and Watt—3.

The bill was then read third time, and passed.

Senate bill No. 303, an Act to create a Contingent Fund for the County of Contra Costa—rules suspended, considered engrossed, read third time, and passed, and the Forty-Fifth Rule suspended.

Senate bill No. 304, an Act to provide for street railroads in the City and County of San Francisco—laid on the table.

Senate bill No. 306, an Act to appropriate certain funds—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 305, an Act to amend an Act entitled an Act in relation to trial jurors in the Court of Sessions and County Courts of certain counties in this State, approved April sixth, eighteen hundred and fifty-nine—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 301, an Act to pay Paul D'Heirry for services as Surgeon to the State, in the case of Patrick Brannan, in November, eighteen hundred and sixty-one—amended by filling blank with "three hundred dollars," and ordered to be engrossed, and read third time.

Assembly bill No. 199, an Act amendatory of and supplementary to an Act to provide for the construction of a McAdamized road within the limits of the city and county of San Francisco, which became a law on the twelfth day of April, eighteen hundred and sixty-one—read third time, and passed.

Senate bill No. 248, an Act to define the boundaries of Sutter County.

Mr. Harriman moved to recommit to the Committee on County and County Boundaries, with instructions to report on Friday, March twenty-eighth, and to be placed at top of general file.

Lost.

The bill was then considered as in Committee of the Whole, reported with amendment, amendment adopted, rules suspended, considered engrossed, and read third time.

Mr. Harriman then moved that the bill be indefinitely postponed.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Quint, and Parks, and taken, with the following result:

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Hill, Holden, Perkins, Porter, Powers, Shafter, Shurtleff, and Watt—14.

NOES—Messrs. Baker, Burnell, Denver, Harvey, Heacock, Irwin, Kimball, Lewis, Nixon, Parks, Quint, Rhodes, Van Dyke, Vineyard, and Warmcastle—15.

So the motion to indefinitely postpone was lost.

The question then recurred on the passage of the bill.

The ayes and noes were demanded, by Messrs. Watt, Harriman, and Irwin, and taken, with the following result:

AYES—Messrs. Baker, Burnell, Denver, Doll, Harvey, Heacock, Irwin, Kimball, Lewis, Nixon, Parks, Quint, Rhodes, Shurtleff, Van Dyke, Vineyard, and Williamson—17.

NOES—Messrs. Banks, Bogart, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Hill, Holden, Oulton, Perkins, Porter, Powers, Shafter, and Watt—15.

Senate bill No. 232, an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned—amendments of committee adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 372, an Act for the collection of taxes due on consigned goods—rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

The rules were suspended, and Assembly bill No. 213 was taken from the file—read third time, and passed.

Senate bill No. 320, an Act to amend an Act entitled an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 321, an Act to authorize William Sherman, Administrator of the estate of George S. Steere, deceased, and Guardian of the minor heirs of said Steere, to sell the real estate of said Steere at public or private sale—considered as in Committee of the Whole, reported with an amendment, amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 280, an Act to create the County of Alturas, define the boundaries, and provide for the organization thereof—indefinitely postponed.

Assembly bill No. 216, an Act to amend the charter of the City of Petaluma—was read third time and passed.

Assembly bill No. 176, an Act to authorize the Trustees of the Stockton Rural Cemetery to remove human remains from graveyards in the City of Stockton and vicinity—was read third time and passed.

Assembly bill No. 245, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to levy a special tax and to provide for building a bridge in said county, approved April fifteenth, eighteen hundred and sixty-one, and to dispose of the fund accumulated under said Act—read third time, and passed.

Assembly bill No. 45, an Act to authorize the Guardian of certain minor children to convey their real estate—read third time, and passed.

Assembly bill No. 190, an Act to authorize the Administrator of the estate of Daniel B. Mosby, deceased, to sell and convey real estate—read third time, and passed.

Assembly bill No. 123, an Act to authorize the Guardian of Stephen C. Powell to sell and convey certain real estate—read third time, and passed.

Senate bill No. 309, an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco—indefinitely postponed.

Assembly bill No. 179, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco—amendment of committee adopted, read third time, and passed.

Mr. Quint presented a remonstrance from citizens of Sacramento and Yolo Counties, against any amendment or alteration of the Attachment Law as it now exists—placed on file.

#### REPORTS.

Mr. Williamson made the following report:

Mr. PRESIDENT:—The Tuolumne delegation, to whom was referred



Assembly bill No. 234, an Act to authorize Wm. H. Dickson, J. E. Clayton, and J. W. Pugh, and their associates, to construct and maintain a toll road in the County of Mono, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

C. O. WILLIAMSON,  
L. QUINT.

The rules were suspended, and Assembly bill No. 234, above reported, was read third time, and passed.

Mr. Vineyard made the following report :

Mr. PRESIDENT :—The Los Angeles delegation, to whom was referred Assembly bill No. 221, entitled an Act legalizing the assessment roll of the City of Los Angeles for the fiscal year commencing May, eighteen hundred and sixty, and for other purposes, have examined the same, and recommend its passage.

J. R. VINEYARD.

The rules were suspended, and Assembly bill No. 221, above reported, was read third time, and passed.

Mr. Porter made the following report :

Mr. PRESIDENT :—Your Committee to whom was referred Assembly bill No. 258, report the same back, and recommend its passage.

GEO. K. PORTER.

Mr. Harvey gave notice that he would move a reconsideration of the vote by which Senate bill No. 287 was this day passed.

Mr. Banks gave notice that he would move a reconsideration of the vote by which Senate bill No. 250 was this day passed.

On motion of Mr. Van Dyke, Senate concurrent resolutions, known as Van Dyke's Union Resolutions, were made the special order for Saturday, March twenty-ninth, at two o'clock, P. M.

Mr. Perkins introduced a bill for an Act fixing the salaries of the Governor's Private Secretary, and of the Clerk in the Executive Department.

Read first and second times, and placed on file.

On motion of Mr. Holden, at four o'clock and forty-five minutes, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Friday, March 28th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.



Mr. Gallagher moved to suspend the Forty-Fourth Rule of the Senate.  
 Lost.  
 Journal of yesterday read and approved.

#### REPORTS.

Mr. Denver, from the Committee on Finance, made the following report :

MR. PRESIDENT :—The Committee on Finance, to whom was referred Assembly bill No. 280, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, have had the same under consideration, and recommend its passage ;

Also, Assembly bill No. 320, an Act to amend an Act to provide revenue for the support of the Civil Government, etc., and recommend its passage.

DENVER, for Committee.

Mr. Nixon, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 344, an Act to provide for the payment of the salary of the County Judge of Sacramento County, and this day, March twenty-seventh, eighteen hundred and sixty-two, handed the same to the Governor, for his approval.

NIXON, of Committee.

Mr. Harvey made the following report :

MR. PRESIDENT :—Your Committee to whom was referred Senate bill No. 2, have had the same under consideration, and report the same back, and recommend the indefinite postponement of the same ;

Also, have had under consideration Senate bill No. 39, and report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 88, and report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 91, and report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 277, and report the same back, and recommend that it be indefinitely postponed ;

Also, Senate bill No. 338, and beg leave to report the same back, with amendments, and a majority of your Committee recommend its passage, as amended.

HARVEY, Chairman.

Mr. Hill, from the Committee on State Hospitals, made the following report :

MR. PRESIDENT :—The Hospital Committee, to whom was referred Senate bill No. 221, an Act in relation to the insane of California, have had the same under consideration, and report it back, without recommendation.

HILL, for the Committee.

The State Hospital Committees of the Senate and Assembly, acting as a Joint Committee, made a report, relative to the condition of the Insane Asylum, which was ordered printed. (See Appendix.)

Mr. Powers, from the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined, and found correctly engrossed, Senate bill No. 355, an Act making appropriations for the support of the civil Government of this State for the fourteenth fiscal year, commencing on the first day of July, eighteen hundred and sixty-two, and ending on the thirtieth day of June, eighteen hundred and sixty-three.

POWERS, for Committee.

Mr. Holden, from the Mendocino delegation, made the following report :

MR. PRESIDENT :—The delegation from Mendocino, to whom was referred Assembly bill No. 279, for an Act to provide for funding the indebtedness of Mendocino County, have had the same under consideration, and recommend the passage of the bill.

HOLDEN, of Delegation.

Mr. Bogart, from the San Diego and San Bernardino delegation, made the following report :

MR. PRESIDENT :—Assembly bill No. 295, referred to the San Diego and San Bernardino delegation—having had the same under consideration, report it back, and recommend its passage.

BOGART, of Delegation.

Mr. Harriman, from the Placer delegation, made the following report :

MR. PRESIDENT :—The Placer delegation, to whom was referred Assembly bill No. 275, have had the same under consideration and report it back, without amendment, and recommend its passage.

HARRIMAN.

Assembly bill No. 295, above reported, read third time, and passed.

Assembly bill No. 275, above reported, read third time, and passed.

Mr. Gaskill, from the Butte and Plumas delegation, made the following report :

MR. PRESIDENT :—The delegation from Butte and Plumas, to whom was referred Assembly bill No. 307, have had the same under consideration, and report it back, with a substitute, and recommend the passage of the substitute.

GASKILL,  
IRWIN.

Bill above reported, substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Leave of absence was granted to Mr. Perkins for one day.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 28th, 1862. }

Mr. PRESIDENT :—The Assembly, on the twenty-sixth instant, passed Senate bill No. 342, an Act to grant the right to construct a toll bridge across the Yuba River ;

Also, on the twenty-fifth instant, passed Assembly bill No. 212, an Act authorizing Jacob M. Tewksbury to build a wharf in Contra Costa County ;

Also, Assembly bill No. 193, an Act concerning fees in office in Sacramento County ;

Also, Assembly bill No. 264, an Act concerning trade marks ;

Also, Assembly bill No. 310, an Act requiring compensation for causing death by wrongful act, neglect, or default.

W. N. SLOCUM,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 310, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 212, above reported, was read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 264, above reported, was read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 193, above reported, was read first and second times, and referred to the Sacramento delegation.

On motion of Mr. Burnell, Assembly bill No. 280, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, was taken up.

Rules suspended, and the bill was read third time, and passed.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 28th, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 344, an Act to provide for the payment of the salary of the County Judge of Sacramento County.

LELAND STANFORD, Governor.

Mr. Oulton, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 248, an Act to define the boundaries of Sutter County, and find the same correctly engrossed.

OULTON, for Committee.

On motion of Mr. Porter, Senate bill No. 224, an Act to appropriate moneys for the erection of a building for the use of the Home for the care of the Inebriate, was taken up, amended, rules suspended, considered engrossed, and read third time.

On its passage, the ayes and noes were demanded, by Messrs. Merritt, Rhodes, and Denver, and taken, with the following result:

**AYES**—Messrs. Baker, Banks, Chamberlain, Crane, De Long, Gallagher, Gaskill, Hathaway, Heacock, Holden, Kimball, Kutz, Lewis, Nixon, Pacheco, Porter, Powers, Quint, Shafter, Shurtleff, Van Dyke, Watt, and Williamson—23.

**NOES**—Messrs. Burnell, Denver, Doll, Harvey, Harriman, Hill, Merritt, Parks, Rhodes, and Warmcastle—10.

Mr. Gallagher gave notice that on to-morrow he would move to amend Senate Rule No. 44, so as to read as follows:

Rule XLIV. No persons except members of the Assembly, State officers, ladies, and such Reporters as have seats assigned them by the President, shall be admitted within the bar of the Senate, except by special invitation on the part of some Senator; but the majority of the Senate may authorize the President to have the Senate Chamber cleared of all such persons.

On motion of Mr. Harvey, Senate bill No. 183, an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado wagon road for a term of years, was taken from the file and referred to Sacramento and El Dorado delegations.

Mr. Harvey moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 287, an Act to provide for the purchase of three hundred copies of Labatt's Digest of California Reports.

Upon which, the ayes and noes were demanded, by Messrs. Crane, De Long, and Watt, and taken, with the following result:

**AYES**—Messrs. Burnell, Chamberlain, Gallagher, Gaskill, Harriman, Hathaway, Kimball, Kutz, Nixon, Oulton, Parks, Porter, Powers, Shafter, Van Dyke, Warmcastle, and Watt—17.

**NOES**—Messrs. Banks, Crane, Denver, De Long, Doll, Harvey, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Pacheco, Quint, Rhodes, and Shurtleff—16.

Mr. Oulton moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. De Long, Oulton, and Merritt, and taken, with the following result:

**AYES**—Messrs. Burnell, Chamberlain, De Long, Gallagher, Gaskill, Harriman, Hathaway, Heacock, Kimball, Kutz, Nixon, Oulton, Parks, Porter, Powers, Shafter, Van Dyke, Warmcastle, and Watt—19.

**NOES**—Messrs. Baker, Banks, Crane, Denver, Doll, Hill, Holden, Irwin, Lewis, Merritt, Pacheco, Quint, Rhodes, and Shurtleff—14.

#### GENERAL FILE.

Senate bill No. 284, an Act amendatory of and supplemental to an Act concerning passengers arriving in the ports of this State, approved May



third, eighteen hundred and fifty-two, and the several Acts amendatory thereof and supplementary thereto.

Mr. Denver moved to recommit, with special instructions to strike out "ten" in third line of section five, and insert "twenty."

Upon which, the ayes and noes were demanded, by Messrs. Quint, Porter, and Denver, and taken, with the following result:

AYES—Messrs. Baker, Bogart, Crane, Denver, Doll, Gallagher, Holden, Irwin, Lewis, Merritt, Porter, Quint, Vineyard, and Williamson—14.

NOES—Messrs. Banks, Burnell, Chamberlain, Gaskill, Harriman, Kimball, Kutz, Nixon, Oulton, Parks, Pacheco, Powers, Rhodes, Shafter, Shurtleff, Van Dyke, and Warmcastle—17.

The bill was read third time, and passed.

Mr. Irwin gave notice of reconsideration.

Senate bill No. 285, an Act amendatory of and supplemental to an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Mr. Oulton moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. Lewis, De Long, and Oulton, and taken, with the following result:

AYES—Messrs. Bogart, Burnell, Denver, De Long, Gallagher, Gaskill, Harriman, Heacock, Kimball, Kutz, Lewis, Nixon, Oulton, Parks, Quint, Shurtleff, Van Dyke, Vineyard, and Williamson—19.

NOES—Messrs. Chamberlain, Crane, Holden, Merritt, Pacheco, Porter, Powers, Rhodes, and Shafter—9.

Senate bill No. 218, an Act for the relief of the contractors upon the foundation and basement walls of the State Capitol building at Sacramento—substitute adopted, read first and second times, and placed at top of file for Saturday, March twenty-ninth.

On motion of Mr. Harvey, Senate bill No. 338, an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed land in Tulare Valley, passed April eleventh, eighteen hundred and fifty-seven, was placed next to top of file for March twenty-ninth.

Mr. Banks moved to reconsider the vote by which Senate bill No. 250, an Act to appropriate money to pay the claims of James H. Hawkins and Myron Norton, was indefinitely postponed.

Carried.

The bill was then amended, ordered engrossed, and read third time.

Mr. Shafter presented a communication from the Controller of State, relative to a deficiency in the fund appropriated to contingent expenses for the Senate.

Referred to Committee on Contingent Expenses.

Mr. Denver offered the following resolution:

*Resolved*, That the Assistant Enrolling and Engrossing Clerks of the Senate shall be paid what is due them, and what may become due to them for the remainder of the session, out of the fund for pay of officers and Clerks of the Senate.

Lost.

Mr. Porter, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 238, an Act to grant to James H. and Charles J. Deering the right to construct and maintain a bridge across the Tuolumne River;

Also, Senate bill No. 194, an Act supplementary to an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight;

Also, Senate bill No. 278, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Coloma, in the County of El Dorado;

Also, Senate bill No. 69, an Act for the punishment of contempts and trespasses;

Also, Senate bill No. 14, an Act to empower Charles Lindley to sell and convey at private sale all property, real and personal, situated in the State of California, in which his children, Metilla S. Lindley, Curtis H. Lindley, and Josephine Lindley, have or possess any interest;

Also, Senate bill No. 109, an Act to provide for the construction of a wharf at a point designated upon the southerly bank of the San Joaquin River;

Also, Senate bill No. 279, an Act relating to the Cemetery of the City of Sacramento;

Also, Senate bill No. 258, an Act to enable the Attorney-General to employ a Clerk;

Also, Senate bill No. 225, an Act for the relief of W. J. Paugh, late Sheriff of the County of Amador;

Also, Senate bill No. 268, an Act granting certain privileges to citizens of Grass Valley, Nevada County;

Also, Senate bill No. 319, an Act to provide for the retention of the hides of cattle killed or slaughtered in San Mateo County;

Also, Senate bill No. 315, an Act supplementary to and amendatory of an Act in relation to public roads in the County of El Dorado, and the Road Fund of said county, approved February twenty-seventh, eighteen hundred and sixty-two;

Also, Senate bill No. 25, an Act to authorize and empower Joshua Hendy and others to construct booms on the Navarro River, in Mendocino County;

Also, Senate bill No. 226, an Act to amend an Act entitled an Act to regulate fees in office in certain counties in this State;

Also, Senate bill No. 164, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty;

Also, Senate bill No. 262, an Act to amend an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' license taxes, in said county, approved February twenty-sixth, eighteen hundred and fifty-nine;

Also, Senate bill No. 175, an Act in relation to the Register of the State Land Office;

Also, Senate bill No. 190, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 318, an Act to amend an Act entitled an Act to

incorporate the City of San José, passed March sixteenth, eighteen hundred and fifty-nine ;

Also, Senate bill No. 198, an Act to authorize and empower Charles S. Clapp, Guardian of Albert Dorente, a minor, to sell certain real estate belonging to said minor ;

And this day, March twenty-eighth, eighteen hundred and sixty-two, delivered the same to His Excellency the Governor, for his approval.

GEORGE K. PORTER, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Kimball, for an Act to grant the right to construct a turnpike road from the Town of La Porte, County of Sierra, through or near the Beekwith Pass, to the eastern boundary line of this State.

Read first and second times, and referred to Committee on Roads and Highways.

By Mr. Warmcastle, for an Act to authorize the Board of Supervisors of the County of Contra Costa to audit and allow the claim of M. R. Barber, and to levy a special tax.

Placed on file.

On motion of Mr. De Long, at five o'clock, p. m. the Senate adjourned.

J. F. CIELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Saturday, March 29th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Perkins was granted leave of absence for one day.

#### REPORTS

Mr. Harvey made the following report :

MR. PRESIDENT :—The El Dorado and Sacramento delegations, to whom was referred Assembly bill No. 183, have had the same under consideration, and report the same back, with amendments, and recommend its passage, as amended.

O. HARVEY, for Delegation.

Amendments to bill above reported adopted, bill read third time, and passed.

Mr. Harriman, from the Committee on Roads and Highways, made the following report :

MR. PRESIDENT :—Your Committee on Roads and Highways, having had Senate bill No. 394 under consideration, report the same back, and recommend its passage.

DE LONG, Chairman.

Senate bill No. 394, above reported—rules suspended, considered engrossed, read third time, and passed.

Mr. Harriman made the following report :

MR. PRESIDENT :—The Placer delegation, to whom was referred Assembly bill No. 309, having had the same under consideration, report it back, and recommend its passage.

HARRIMAN.

Assembly bill No. 309, above reported, read third time, and passed.

Mr. Parks, from the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims, having had under consideration Senate bill No. 359, an Act to amend an Act authorizing the Treasurer of State to issue bonds for payment of expenses in the suppression of Indian hostilities, etc., report the same back, with an amendment, and recommend its passage, as amended.

Amend by striking out section four.

PARKS, Chairman.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 378, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-first, eighteen hundred and fifty-one, beg leave to report that they have had the same under consideration, and recommend its passage ;

They have also considered Senate bill No. 382, same title as the above, and recommend its passage as amended ;

They have also considered Senate bill No. 322, same title, and report it back, without recommendation ;

They have also considered Senate bill No. 390, same title, and recommend that it be indefinitely postponed ;

They have also considered Senate bill No. 386, same title, and recommend its indefinite postponement ;

They have also considered Senate bill No. 263, an Act to amend sections one hundred and ninety-three and one hundred and ninety-four of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and recommend its passage ;

They have also considered Assembly bill No. 264, an Act concerning trade marks, and report the same back, and recommend its passage ;

They have also considered Assembly bill No. 310, and report the same back, with an amendment, and recommend the passage of the bill, as amended.

A. L. RHODES, Chairman.



Mr. Powers, from the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined Senate bill No. 320, an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two;

Also, Senate bill No. 232, an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned;

Also, Senate bill No. 292, an Act to pay Paul R. Hunt the sum therein mentioned;

Also, Senate bill No. 301, an Act for the relief of Dr. Paul D'Hierry, for services as Surgeon of the State Prison;

And report the same correctly engrossed.

POWERS, for Committee.

Mr. De Long, from the Committee on Roads and Highways, made the following report :

MR. PRESIDENT:—Your Committee on Roads and Highways, to whom was referred Senate bill No. 388, having considered the same, report it back, with amendments to the bill and title, and recommend its passage.

DE LONG, Chairman.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 29, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 101, an Act amendatory of and supplementary to an Act entitled an Act to authorize married women to transact business in their own name as sole traders, passed April twelfth, eighteen hundred and fifty-eight;

And, this day, March twenty-ninth, at twelve o'clock M., have delivered the same to His Excellency the Governor, for his approval.

GEO. K. PORTER, Chairman.

Mr. Heacock presented certain accounts of J. H. Miller, which were referred to the Committee on Claims.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 28th, 1862. }

MR. PRESIDENT:—The Assembly, to-day, passed Senate bill No. 63, an Act for the relief of W. D. Sawyer;

Also, passed Senate bill No. 256, an Act to pay the claim of Eugene Lies;

Also, on the twenty-sixth instant, passed Assembly bill No. 354, an Act to provide for the construction of a railroad from Stockton to Copperopolis.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 354, above reported, read first and second times, and referred to San Joaquin and Calaveras delegations.

Senate bill No. 63, above reported, Assembly amendments adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Banks, for an Act to amend an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty, and the several Acts amendatory and supplemental thereto.

Read first and second times, and placed on file.

By Mr. Doll, for an Act to provide for the care of the indigent sick of Tehama County, and to levy a tax therefor.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

By Mr. Watt, for an Act to grant the right of way to construct a toll bridge across Bear River, at or near McCourtney's Crossing, in the Counties of Nevada and Placer.

Rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

By Mr. Irwin, for an Act to transfer certain funds.

Read first and second times, and referred to Committee on Finance.

By Mr. Baker, for an Act to amend an Act entitled an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities, etc.

Read first and second times, and referred to the Committee on Military Affairs.

The following amendment, on motion of Mr. Gallagher, was adopted to Senate Standing Rule No. 44 :

"No persons except members of the Assembly, State officers, ladies, and such reporters as have seats assigned to them by the President, shall be admitted within the bar of the Senate, except by special invitation on the part of some Senator; but the majority of the Senate may authorize the President to have the Senate Chamber cleared of all such persons."

#### GENERAL FILE.

Substitute for Senate bill No. 218, an Act to authorize and direct the State Capitol Commissioners to cancel and annul the contract for building the foundation and basement walls of the State Capitol building at Sacramento, and to settle with the contractors therefor.

Mr. Burnell moved to refer to the Committee on Claims.

Mr. Nixon moved a call of the Senate.

Lost.

The question then recurred on the motion of Mr. Burnell.

Upon which, the ayes and noes were demanded, by Messrs. Gaskill, Shafter, and Gallagher, and taken, with the following result :

AYES—Messrs. Banks, Bogart, Burnell, Denver, Doll, Harvey, Heacock, Holden, Irwin, Merritt, Nixon, Oulton, Parks, Quint, Van Dyke, Warmcastle, Watt, and Williamson—18.

NOES—Messrs. Baker, Chamberlain, Crane, De Long, Gallagher, Gaskill, Harriman, Hathaway, Hill, Kimball, Kutz, Pacheco, Porter, Powers, Rhodes, and Shafter—16.

Mr. Merritt moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Gaskill, Merritt, and Quint, and taken, with the following result:

AYES—Messrs. Denver, Holden, Merritt, Nixon, and Quint—5.

NOES—Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Crane, De Long, Doll, Gaskill, Harriman, Heacock, Irwin, Kutz, Lewis, Oulton, Parks, Porter, Rhodes, Shafter, Shurtleff, and Van Dyke—21.

#### SPECIAL ORDER.

The hour having arrived for the consideration of the special order, Senate substitute for Assembly concurrent resolution No. 11, relative to sustaining the Federal Government, Mr. Warmcastle moved to make it the special order for Monday, March thirty-first, at half past seven o'clock, P. M.

Upon which, the ayes and noes were demanded, by Messrs. Quint, Van Dyke, and Burnell, and taken, with the following result:

AYES—Messrs. Baker, Denver, De Long, Doll, Gallagher, Harriman, Hill, Holden, Irwin, Lewis, Quint, Shurtleff, Warmcastle, and Williamson—15.

NOES—Messrs. Banks, Bogart, Burnell, Chamberlain, Crane, Gaskill, Kutz, Oulton, Parks, Pacheco, Porter, Rhodes, Shafter, and Van Dyke—14.

Mr. Irwin moved a reconsideration of the vote by which Senate bill No. 284, an Act amendatory of and supplemental to an Act entitled an Act concerning passengers arriving in the ports of this State, approved May third, eighteen hundred and fifty-two, and the several Acts amendatory thereof and supplemental thereto, was passed yesterday.

Mr. Banks moved a call of the Senate.

Lost.

The question recurring on the motion of Mr. Irwin, the ayes and noes were demanded, by Messrs. Banks, Parks, and Shafter, and taken, with the following result:

AYES—Messrs. Baker, Bogart, Denver, De Long, Gallagher, Holden, Irwin, Lewis, Merritt, Nixon, Quint, Warmcastle, and Williamson—13.

NOES—Messrs. Banks, Burnell, Chamberlain, Gaskill, Hill, Oulton, Parks, Pacheco, Porter, Rhodes, Shafter, Shurtleff, Van Dyke, and Mr. President—14.

So the motion to reconsider was lost.

Mr. Porter made the following report:

MR. PRESIDENT:—Your Committee to whom was referred Senate bill No. 398, an Act to transfer certain funds, having had the same under consideration, report it back, and recommend that it be passed.

PORTER, for Committee.

On motion of Mr. De Long, at four o'clock and ten minutes, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Monday, March 31st, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Mr. Soule was granted indefinite leave of absence from Friday last.

Mr. Oulton, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Senate bill No. 306, an Act to appropriate certain funds;

Also, Senate bill No. 305, an Act to amend an Act entitled an Act in relation to trial jurors in the Courts of Sessions and County Courts in this State;

Also, Senate bill, No. 224, an Act to appropriate money for the erection of a building for the use of the Home for the Inebriate;

Also, Senate bill No. 250, an Act to appropriate money to pay the claim of James H. Hawkins;

Also, Senate bill No. 321, an Act to authorize William Sherman, Administrator of the estate of George S. Steere, deceased, and Guardian of the minor heirs of said Steere, to sell the real estate of said deceased at public or private sale.

OULTON, for Committee.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
Sacramento, March 29th, 1862. }

*To the Senate of California:*

I herewith return, without my approval, Senate bill No. 227, an Act to authorize José Lorenzo de Jesus Maria Piña to sell and convey real estate. This bill authorizes the said Piña, who is a minor, to convey all the real estate in this State inherited by him through his father, Lazaro Piña. It throws around him no protection by the Courts or otherwise, and does not specify with any particularity the property to be conveyed; nor does it appear in any manner that the said infant is to be benefited by the authority sought to be granted.

LELAND STANFORD, Governor.

The question being "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—None.

NOES—Messrs. Banks, Burnell, Chamberlain, Crane, Denver, De Long, Doll, Gallagher, Gaskill, Harriman, Hathaway, Heacock, Hill, Holden, Kutz, Lewis, Nixon, Oulton, Parks, Pacheco, Porter, Powers, Rhodes, Shurtleff, Vineyard, Warmcastle, and Watt—27.



## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,                    )  
March 29th, 1862.                    )

Mr. PRESIDENT :—The Assembly this day passed Senate bill No. 64, an Act to authorize the Governor to convey certain real estate.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,                    )  
March 29th, 1862.                    )

Mr. PRESIDENT :—The Assembly, on the twenty-sixth instant, passed Assembly bill No. 239, an Act concerning salaries of certain county officers in the County of San Diego ;

Also, passed Senate substitute for Assembly bill No. 307, an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons ;

Also, on the twenty-sixth instant, passed Assembly bill No. 287, an Act to amend an Act abolishing the office of County Assessor, and establishing Township Assessors, in the County of Calaveras, etc. ;

Also, on the twenty-eighth instant, passed Senate concurrent resolution No. 47, relative to the publication in California of the number and description of patents issued by the United States ;

Also, passed Senate concurrent resolution No. 48, relative to Indian affairs ;

Also, passed Senate bill No. 36, an Act to create a Contingent Fund in the County of Solano ;

Also, passed Senate bill No. 156, an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco ;

Also, passed substitute for Senate bill No. 220, an Act concerning the office of Sheriff, etc., of El Dorado County ;

Also, passed Senate bill No. 248, an Act to provide for the construction of a wagon road from Red Bluff to the eastern boundary line of this State.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 239, above reported, read first and second times, and referred to San Diego delegation.

Assembly bill No. 287, above reported, read first and second times, and placed on file.

On motion of Mr. Parks, the claim of Daniel O'Regan was withdrawn from the Senate.

On motion of Mr. Banks, Senate bill No. 395 was taken from the file, and referred to Committee on Corporations.

On motion of Mr. Banks, Senate bill No. 304, concerning street railroads in San Francisco, was taken from the table, and placed on file.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Holden, for an Act to authorize and empower José Lorenzo

de Jesus Maria Piña, a minor, to dispose of his interest in certain real estate in the City of San Francisco.

Read first and second times, and placed at top of file for to-morrow.

By Mr. Hill, for an Act supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, and the several Acts amendatory thereof and supplemental thereto.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Rhodes, for an Act concerning records in certain cases.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Senate bill No. 77, an Act to provide for the construction of a Branch Prison at or near the Town of Folsom, in the County of Sacramento—read third time, and lost.

Senate bill No. 345, an Act to provide for the redemption of bonds issued for expenses incurred in the suppression of Indian hostilities in certain counties of this State—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 216, an Act amendatory of an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—amended, rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Senate bill No. 54, an Act amendatory of and supplemental to an Act to amend an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for the location and sale of the five hundred thousand acres of land granted to this State for school purposes, etc.—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Assembly bill No. 48, an Act for the purchase and preservation of public newspapers printed and published in the several counties of this State—read third time.

On its passage, the ayes and noes were demanded, by Messrs. Gallagher, Banks, and Doll, and taken, with the following result :

AYES—Messrs. Banks, Bogart, Burnell, Chamberlain, Crane, De Long, Doll, Gallagher, Gaskill, Hathaway, Hill, Holden, Irwin, Lewis, Merritt, Nixon, Oulton, Parks, Porter, Quint, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—25.

NOES—Messrs. Denver, Kimball, Kutz, Pacheco, Powers, Rhodes, and Shafter—7.

Senate bill No. 160, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto.

Mr. Merritt moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. Banks, Gaskill, and Quint, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Crane, De Long, Doll, Gallagher, Gas-

kill, Harriman, Kimball, Kutz, Lewis, Merritt, Quint, Vineyard, and Williamson—15.

NOES—Messrs. Burnell, Chamberlain, Hathaway, Hill, Irwin, Nixon, Parks, Porter, Powers, Rhodes, Shafter, and Van Dyke—12.

One day's leave of absence was granted to Mr. Harvey.

On motion of Mr. Lewis, Senate bill No. 333, an Act to grant the right to construct a turnpike road between the Town of Murphy's, in Calaveras County, and the eastern boundary line of the State of California, was taken from the Assembly messages, and Assembly amendments concurred in.

Mr. Heacock introduced a bill for an Act to provide for the payment of certain claims against the City of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Mr. Burnell made the following report :

MR. PRESIDENT:—Your Committee have examined Senate bill No. 345, an Act to provide for the redemption of bonds issued for expenses incurred in the suppression of Indian hostilities in certain counties of this State, and find the same correctly engrossed.

BURNELL, Chairman.

On motion of Mr. Merritt, at ten minutes past four o'clock, P. M. the Senate adjourned until half past seven o'clock this evening.

#### EVENING SESSION.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

No quorum present.

The Sergeant-at-Arms was dispatched for the absentees.

Messrs. Kimball and Doll appeared at the bar of the Senate, and were admitted.

A quorum being then present, the Senate proceeded to the consideration of the special order, Senate substitute for Assembly concurrent resolution No. 11, relative to sustaining the Federal Government.

The resolutions were considered engrossed, and read third time.

On their passage, the ayes and noes were demanded, by Messrs. Van Dyke, Oulton, and Parks, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, Doll, Gallagher, Gaskill, Harriman, Hathaway, Heacock, Hill, Kimball, Kutz, Nixon, Oulton, Parks, Porter, Powers, Rhodes, Shafter, Shurtleff, and Van Dyke—22.

NOES—None.

Mr. Parks gave notice that on to-morrow he would move a reconsideration of the vote just taken.

On motion of Mr. Burnell, at ten o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Tuesday, April 1st, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Banks, from the Committee on Corporations, to whom was referred Senate bill No. 395, an Act to amend an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto, made a verbal report, reporting the same back, with certain amendments, and recommending its passage as amended.

The rules were suspended, and Senate bill No. 395, above reported, was taken up.

The amendments of the Committee were adopted, after being amended by striking out the word "ten" in the fifteenth line of first section, and inserting the word "fifteen."

Mr. Burnell moved a suspension of the rules, and that the bill be considered engrossed, and read third time now.

Upon which, the ayes and noes were demanded, by Messrs. Doll, Parks, and Burnell, and taken, with the following result:

**AYES**—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Denver, Doll, Gallagher, Gaskill, Harvey, Hathaway, Hill, Holden, Kimball, Kutz, Merritt, Oulton, Parks, Pacheco, Porter, Powers, Rhodes, Shurtleff, Van Dyke, and Williamson—25.

**NOES**—Messrs. Bogart, De Long, Harriman, Irwin, Lewis, Nixon, Shafter, Vineyard, Warmcastle, and Watt—10.

The bill was then read third time, and passed, and the title amended, by inserting the word "supplemental" after the word "Act" in the first line of title.

Mr. Van Dyke offered the following resolution:

*Resolved*, That the Assistant Enrolling and Engrossing Clerks, and the Assistant Journal Clerk of the Senate, be allowed their per diem out of the funds set apart for the payment of the members of the Senate and Assembly, from the sixteenth day of March, eighteen hundred and sixty-two.

Adopted.

## REPORT.

Mr. Parks, from the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims have had under consideration, Senate bill No. 117, for the payment of J. C. Doherty for services and sundries furnished the Senate at its seventh session, amounting to three hundred and fifteen dollars and fifty cents, and report the same back, with the accompanying bill, and recommend the passage of the bill;



Also, Senate bill No. 389, to pay S. G. Whipple for expenses incurred in enrolling volunteers, to act as guides to United States troops in Humboldt County, in eighteen hundred and sixty-one, amounting to two hundred and eighty-six dollars and fifty cents, and report the same back, and recommend that Mr. Whipple look to the General Government for relief;

Also, Assembly bill No. 194, to pay the claim of P. Della Torre, as Presidential Elector, in eighteen hundred and fifty-six, and report the same back, with the recommendation that the bill pass;

Also, the claim of T. J. A. Chambers, for supplies furnished the State in eighteen hundred and fifty-one, amounting to one thousand seven hundred and thirty-seven dollars and ninety-six cents, principal and interest, and report the same back, with the accompanying bill, without recommendation;

Also, substitute for Senate bill No. 218, with amendments, being an Act to authorize and direct the State Capitol Commissioners to cancel and annul the contract for building the foundation and basement walls of the State Capitol building at Sacramento, and to settle with the contractors therefor, and beg leave to report the same back, with amendments; striking out all after the enacting clause, and inserting the following: "Amendments recommended by the Committee." Also, an amendment to the title of the Act, as follows: "An Act in relation to the construction of the State Capitol building, and to annul contracts heretofore entered into."

The Committee find as follows:

Amount appropriated by Act of March 29, 1860.....	\$100,000 00
Amount appropriated by Act of May 20, 1861.....	50,000 00
<b>Total appropriation.....</b>	<b>\$150,000 00</b>
Amount paid Michael Fennell.....	\$34,614 55
Amount paid Blake & Conner.....	34,177 70
Amount due Blake & Conner.....	11,392 56
<b>Total amount in building and material.....</b>	<b>\$80,184 81</b>
Salary of Architect.....	\$5,840 00
Salary of Commissioners.....	9,421 85
Salary of Secretary.....	2,000 00
<b>Total amount of officers' salaries.....</b>	<b>17,361 85</b>
Plan and specifications of building.....	\$1,500 00
Abstract of title to land.....	350 00
Building for office and tool house.....	240 00
Laying corner-stone, filling wells, etc.....	365 00
<b>Total preliminary expenses.....</b>	<b>2,455 00</b>
<b>Total amount of appropriation expended.....</b>	<b>100,001 66</b>
<b>Balance of appropriation not expended.....</b>	<b>\$49,998 34</b>

It will be seen by the above exhibit, that of the entire amount expended, about seventeen and one half per cent. has been paid for officers' salaries.

We find, also, by examination of Exhibits "C" and "D," furnished by the Capitol Commissioners in compliance with a concurrent resolution of both Houses of the Legislature, that when the contract with Michael Fennell was annulled, Reuben Clark, Architect and Superintendent of the work, was appointed Appraiser on the part of the State, and W. B. Carr on the part of Michael Fennell, which two Appraisers appointed a third one, named William Turton, the three to constitute a Board of Appraisers to estimate the value of the work done by said Fennell, and the value of the material which he had on hand at the time his contract was annulled. We find further, that W. B. Carr, Appraiser, appointed by Fennell, and William Turton, appointed by Carr and Clark, constituting a majority of the Board, estimated the value of the work done, and material on hand, at thirty-four thousand six hundred and fourteen dollars and fifty-five cents; and Reuben Clark, appointed on the part of the State, estimated the same at twenty-seven thousand four hundred and forty-three dollars and eighty-two cents; making a difference in the estimates, of seven thousand one hundred and seventy dollars and seventy-three cents.

Without impugning the honesty, or reflecting upon the judgment or disinterestedness of the majority of the Board of Appraisers, it is but fair to presume that Mr. Clark, with a thorough knowledge of the business, and having had constant supervision of the work, estimated the work and material at their correct value. We are fortified in this assumption by the following resolution, passed unanimously by the Board of Capitol Commissioners at a meeting held June fifteenth, eighteen hundred and sixty-one, a copy of which has been transmitted to this Legislature, and marked "Exhibit E:"

*Resolved*, That although we are of opinion that the estimate of Messrs. Turton and Carr is too high, yet, as it seems to be supported by the documentary proof before the Board, and as we can see no prospect of a settlement in case we reject the estimate, and as a settlement will prevent litigation and an application to the Legislature for relief, we think, that looking to the interests of the State, we had better adopt the estimate of Messrs. Carr and Turton, and thus end the controversy; and the said estimate is hereby adopted."

Now if we add this sum of seven thousand one hundred and seventy dollars and seventy-three cents to the amount paid for officers' salaries, we find that only about seventy-five per cent. of the money expended has been applied to the construction of the Capitol building.

Messrs. Blake & Conner, the present contractors, whom this bill proposes to release from their contract, claim that the State should pay them the following sums, as the condition of such release:

---

Damage and loss by the several floods, to sheds, tools, dericks, etc.....	\$2,000 00
Material furnished and labor performed since January 1, 1862.....	1,006 75
T. P. Roach, for release of sub-contract.....	2,000 00
P. O. Dana, for release of sub-contract.....	1,200 00
Nutting & Kittredge, (contract for iron work).....	565 00
Interest paid on audited accounts against the State, for the purpose of raising money to prosecute the work.....	715 38

---

Anticipated interest to January 1, 1863, on balance due and unpaid audited accounts of Blake & Conner.....	5,520 36
Total.....	\$13,007 49
From which amount Messrs. Blake & Conner propose to deduct .....	3,007 49
Making a nett loss to the State on the contract, of.....	\$10,000 00

If we add to this sum the total amount of appropriation expended as above, one hundred thousand and one dollars and sixty-six cents, the total amount expended will be one hundred and ten thousand and one dollars and sixty-six cents, of which sum seventy-five thousand four hundred and sixty-nine dollars and eight cents has gone towards the construction of the Capitol building, and thirty-four thousand five hundred and thirty-two dollars and fifty-eight cents to pay salaries of officers, and damages sustained by contractors on account of abrogation of contracts.

The Committee therefore recommend the passage of the substitute as amended.

PARKS, Chairman.

Substitute for Senate bill No. 218, above reported, was placed at top of file for Wednesday, April second.

#### GENERAL FILE.

Senate bill No. 401, an Act to authorize and empower José Lorenzo de Jesus Maria Piña, a minor, to dispose of his interest in certain real estate in the City of San Francisco.

Mr. Crane moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. Crane, Watt, and Porter, and taken, with the following result :

AYES—Messrs. Chamberlain, Crane, Gaskill, Kimball, Kutz, Porter, and Watt—7.

NOES—Messrs. Baker, Bogart, Burnell, De Long, Harvey, Harriman, Hathaway, Heacock, Holden, Irwin, Merritt, Oulton, Parks, Powers, Quint, Shurtleff, and Vineyard—17.

The rules were suspended, bill considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Senate bill No. 301, an Act for the relief of Doctor Paul D'Heirry, for services as Surgeon of the State Prison—read third time, and passed.

Senate bill No. 250, an Act to appropriate money to pay the claim of James H. Hawkins—read third time, and passed.

Assembly bill No. 142, an Act for the relief of George W. Nixsen—read third time.

On its passage, the ayes and noes were demanded, by Messrs. De Long, Gallagher, and Oulton, and taken, with the following result :

AYES—Messrs. Bogart, Burnell, Denver, De Long, Doll, Gallagher,

Heacock, Holden, Lewis, Nixon, Quint, Shurtleff, Vineyard, and Williamson—14.

NOES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harvey, Harri-  
man, Hathaway, Hill, Irwin, Kimball, Kutz, Oulton, Parks, Porter,  
Powers, Rhodes, Van Dyke, and Warmcastle—19.

Lost.

Senate bill No. 338, an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed land in Tulare Valley, passed April eleventh, eighteen hundred and fifty-seven—considered as in Committee of the Whole, reported with amendments, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

#### REPORTS.

Mr. De Long made the following report :

MR. PRESIDENT:—The Special Committee, consisting of the Yuba delegation, to whom was referred Senate bill No. 296, having had the same under consideration, report the same back, and recommend its indefinite postponement.

PARKS,  
DE LONG.

Senate bill No. 296, above reported, indefinitely postponed.

Mr. De Long made the following report :

MR. PRESIDENT:—I, as one of the members of your Special Committee, consisting of the Yuba delegation, having had under consideration Senate bill No. 295, report the same back, with the following amendment, and recommend its passage :

Strike out the word "current," in line fifteen, and insert the word "general" in its place.

DE LONG.

Senate bill No. 295, above reported, amended, rules suspended, considered engrossed, read third time, and passed.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 31st, 1862. }

MR. PRESIDENT:—The Assembly this day indefinitely postponed substitute for Senate bill No. 60, an Act supplementary to an Act defining the time for commencing civil actions ;

Also, this day, passed Senate bill No. 143, an Act to authorize the sale of real estate belonging to the estate of Henry P. Haun, deceased, at public or private sale ;

Also, this day, passed Senate bill No. 200, an Act making an appropriation for the payment of the claim of James Whitney, and others ;

Also, this day, amended and passed Senate bill No. 246, an Act authorizing Charles H. Brinley, Andres Pico, and James R. Vineyard, to build and construct a turnpike road from the ex-Mission of San Fernando,



across the Mountains of San Fernando, to the Arroyo de Santa Clara, in Los Angeles County;

Also, this day, amended and passed substitute for Senate bill No. 251, an Act concerning the repair and construction of levees in the County of Sacramento;

Also, this day, passed Senate bill No. 340, an Act to provide for the construction of a wagon road, commencing at Antelope Springs, in the County of Amador, and running thence by the Safford Survey to Hope Valley, on the eastern slope of the Sierra Nevada Mountains;

Also, this day, passed Assembly bill No. 100, to regulate fees of office in the Counties of Los Angeles and Santa Barbara;

Also, this day, passed Assembly bill No. 257, concerning the incorporation of the City of Benicia;

Also, the Assembly, on the twenty-eighth instant, passed substitute for Senate bill No. 120, an Act to release certain claims on the part of the State;

Also, have this day amended and passed Senate bill No. 333, an Act to grant the right to construct a turnpike road between the Town of Murphy's, in Calaveras County, and the eastern boundary of the State of California;

Also, have this day passed Assembly bill No. 369, an Act to authorize David J. Beasley to construct and maintain a wharf at a point in Mendocino County;

Also, on the twenty-sixth instant, passed Assembly bill No. 272, an Act concerning the construction of roads upon the San Miguel Rancho, etc.;

Also, on same day, passed Assembly bill No. 353, an Act concerning the fire department of Mokelumne Hill;

Also, this day, passed Senate bill No. 195, an Act to authorize Mrs. Mary Comstock and her children, to sell their homestead;

Also, this day, passed Assembly bill No. 233, an Act amendatory of an Act relative to the issuance of certificates to exempt firemen;

Also, this day, passed Assembly bill No. 150, an Act to amend the Common School Law, etc.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 1st, 1862. }

MR. PRESIDENT:—The House, this day, passed Assembly bill No. 231, an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty;

Also, this day, passed Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County, and for regulating the herding of stock within the same;

Also, this day, passed Assembly bill No. 169, an Act in relation to the militia of the State;

Also, this day, passed Assembly bill No. 312, an Act concerning the protection of game in San Luis Obispo County.

W. N. SLOCUM,  
Assistant Clerk.

## ASSEMBLY CHAMBER.

April 1st, 1862. }

Mr. PRESIDENT:—The Assembly have passed the following bills:

On March twenty-seventh, Senate bill No. 305, an Act to amend an Act entitled an Act in relation to trial jurors in the Courts of Sessions and County Courts of certain counties in this State, approved April sixth, eighteen hundred and fifty-nine;

Also, on March twenty-eighth, Assembly bill No. 238, an Act to give further powers to the Board of Supervisors of the City and County of San Francisco;

Also, on same day, Assembly bill No. 240, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco;

Also, on March thirty-first, Assembly bill No. 331, an Act to authorize the issuance of a certain duplicate bond to Iredell M. Hart;

Also, on same day, Senate bill No. 396, an Act to provide for the care of the indigent sick of Tehama County, and to levy a tax therefor;

Also, on same day, Assembly bill No. 153, an Act to appropriate money to sustain a mounted battery of artillery in the City and County of San Francisco;

Also, on same day, Assembly bill No. 385, an Act to provide for the payment of postage stamps, stamped envelopes, and the payment of postage bills of the present session of the Legislature;

Also, on same day, Assembly bill No. 314, an Act to grant the right to construct a turnpike road between the City of Petaluma and the Town of Santa Rosa, in Sonoma County;

Also, this day, Assembly bill No. 298, an Act granting to William H. Tillinghast, his associates and assigns, the right to construct a wharf at the place called New York on the Pacific, in the County of Contra Costa.

W. N. SLOCUM,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 272, above reported, read first and second times, and referred to San Francisco delegation.

Assembly bill No. 353, above reported, read first and second times, and referred to Calaveras delegation.

Assembly bill No. 233, above reported, read first and second times, and placed on file.

Assembly bill No. 312, above reported, read first and second times, and placed on file.

Assembly bill No. 331, above reported, read first and second times, and placed on file.

Assembly bill No. 150, above reported, read first and second times, and referred to Committee on Education.

Assembly bill No. 231, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 282, above reported, read first and second times, and placed on file.

Assembly bill No. 169, above reported, read first and second times, and placed second on file, for to-morrow.

Assembly bill No. 238, above reported, read first and second times, and referred to San Francisco delegation.

Assembly bill No. 240, above reported, read first and second times, and referred to San Francisco delegation.

Assembly bill No. 153, above reported, read first and second times, and referred to Committee on Military Affairs.

Assembly bill No. 385, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 298, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 344, above reported, read first and second times, and referred to Sonoma delegation.

Assembly bill No. 100, above reported, read first and second times, and referred to the Los Angeles and Santa Barbara delegations.

Assembly bill No. 257, above reported, read first and second times, and referred to Solano delegation.

Assembly bill No. 369, above reported, read first and second times, and placed on file.

The Assembly amendments to Senate bills Nos. 251 and 246, above reported, were concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Merritt, for an Act to provide for the purchase of three hundred copies of Labatt's Digest.

Read first and second times, and placed on file.

By Mr. Doll, for an Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer.

Read first and second times, and referred to the Committee on Finance.

By Mr. Banks, for an Act to establish a State Normal School.

Read first and second times, and referred to the Committee on Education.

Also, for an Act to provide revenue for the support of the Government of this State from collateral inheritances.

Read first and second times, and referred to the Committee on Finance.

By Mr. Rhodes, for an Act in relation to artesian wells in the County of Santa Clara.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

By Mr. Nixon, for an Act in relation to the public streets in the City of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Irwin gave notice of reconsideration of the vote by which the Senate refused to pass Assembly bill No. 142, an Act for the relief of G. W. Nixsen.

Mr. Hill made the following report :

Mr. PRESIDENT :—Your Committee to whom was referred Assembly bill No. 229, an Act to regulate fees of office in the County of Sonoma, report the same back, with an amendment, and recommend its passage as amended.

HILL.

Assembly bill No. 229, above reported, amended, read third time, and passed.

Mr. Powers made a verbal report, recommending passage of Assembly bill No. 257.

Mr. Harvey introduced a concurrent resolution relative to a Joint Convention.

Adopted.

Mr. Gallagher moved to reconsider the vote by which the Senate on yesterday passed Senate substitute for Assembly concurrent resolution No. 11.

Upon which, the ayes and noes were demanded, by Messrs. Banks, Burnell, and Van Dyke, and taken, with the following result:

AYES—Messrs. Baker, Bogart, Holden, and Williamson—4.

NOES—Messrs. Banks, Burnell, Chamberlain, Crane, Denver, Doll, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Kimball, Kutz, Lewis, Oulton, Porter, Rhodes, Shafter, Shurtleff, Van Dyke, and Watt—22.

#### GENERAL FILE.

The following bills were, the rules being suspended, taken up, and considered:

Senate bill No. 271, an Act to authorize the re-issue of a certain land warrant, No. 53, in lieu of the original, which was burnt—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 375, an Act for the encouragement of agriculture—was referred to Committee on Agriculture.

Assembly bill No. 217, an Act concerning public roads and highways in the County of Monterey—was read third time, and passed.

Senate bill No. 366, an Act to provide for the establishment, maintenance, and protection of public and private roads in the County of Santa Cruz—was amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Assembly bill No. 325, an Act concerning the county records of the County of Trinity—was amended, read third time, and passed.

Senate bill No. 316, an Act to authorize T. Willingham to sell and convey certain real estate and other property in the County of Tuolumne—was ordered engrossed, and read third time.

Senate bill No. 266, an Act authorizing the Board of Supervisors of the City and County of San Francisco to examine certain claims—was amended, ordered engrossed, and read third time.

Assembly bill No. 263, an Act to authorize the construction of a wagon road from the City of San Bernardino through Devil's Cañon, etc.—was read third time, and passed.

Assembly bill No. 256, an Act to authorize Catharine Meyers, Administratrix of the estate of Christopher Meyers, deceased, to dispose of the real estate of said deceased at public or private sale—was read third time, and passed.

On motion of Mr. Nixon, at five o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER.

Wednesday, April 2d, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Warmcastle was granted two days leave of absence.

## PETITIONS.

Mr. Holden presented a petition of the Grand Jury of Mendocino County.

Referred to Judiciary Committee.

Mr. Hill presented petition of Charles E. Pickett, concerning the State Capitol.

Placed on file.

## REPORTS.

Mr. Shurtleff, from the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Committee on Mileage report forty-six dollars and eighty cents, payable one half from the Contingent Fund of the Senate, and one half from the Contingent Fund of the Assembly, due Senator Banks as mileage, while in the performance of duty on the Joint Committee to make an investigation concerning an alleged interpolation in the Marsh Land bill of last session;

The Committee have also had under consideration the claims of A. H. Tuttle, D. J. Williamson, and W. K. Garvey, for mileage, as witnesses in said case, and recommend that said claims be referred to the Committee on Contingent Expenses.

We therefore recommend the adoption of the accompanying resolution:

*Resolved*, By the Senate, the Assembly concurring, That forty-six dollars and eighty cents, payable one half from the Contingent Fund of the Senate, and one half from the Contingent Fund of the Assembly, be allowed to Senator Banks, as mileage, in the performance of duty on the Joint Committee, appointed to make an investigation concerning an alleged interpolation in the Marsh Land bill of last session.

SHURTLEFF, Chairman.

Adopted.

Also, concurrent resolution, relative to paying the claims of A. H. Tuttle, etc., above reported, referred, with the report, to Committee on Contingent Expenses.

Mr. Doll, from the Committee on Finance, made the following report:

MR. PRESIDENT:—Your Committee on Finance, to whom was referred Senate bills Nos. 384 and 77, have had the same under consideration, and

beg leave to report back the same, each with amendments, and recommend their passage as amended;

Also, report amendments to Assembly bill No. 75, and recommend their adoption and the passage of the bill.

Your Committee have carefully examined said bills, and are of opinion that the passage of these bills will materially augment the revenue for stamp duties.

DOLL,  
DENVER,  
KIMBALL,  
For Committee.

Assembly bills Nos. 75 and 77, above reported, were amended, read third time, and passed.

Senate bill No. 384, above reported, was amended, rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 379, an Act providing for the issue of bonds for the Federal war tax of eighteen hundred and sixty-one and eighteen hundred and sixty-two, beg leave to report that they have had the same under consideration, and that, as far as the constitutionality of the bill is concerned, in creating a debt by the issuance of bonds, they are clearly of opinion that it is constitutional, and is covered by the exception contained in Article eight of the Constitution of this State. But as the details of the bill partake of a financial nature, they would therefore ask that it be referred to the Committee on Finance;

They have also considered Senate bill No. 380, an Act to further amend an Act authorizing the Guardian or Guardians of certain minors to sell and dispose of their real estate and chattels real, approved April eighth, eighteen hundred and fifty-nine, and report it back, with the recommendation that it be indefinitely postponed;

They have also considered Assembly bill No. 294, an Act to authorize Rita de la Osa to sell the real estate of her husband, Vicente de la Osa, and recommend its indefinite postponement;

They have also considered Assembly bill No. 334, an Act to authorize the Executor of the estate of Samuel Criswell, deceased, to sell real estate at public or private sale, and recommend that the same be indefinitely postponed;

They have also considered Senate bill No. 176, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April twenty-second, eighteen hundred and fifty-eight, and report the same back, without recommendation;

Considered also, Senate bill No. 391, an Act to amend an Act to regulate the settlement of the estates of deceased persons, and recommend that it be indefinitely postponed;

They have also considered Assembly bill No. 49, an Act for the relief of William P. Sayward, and recommend its passage;

They have also considered Senate bill No. 381, an Act to amend an Act entitled an Act concerning Courts of Justice and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, and report the

same back, with an amendment, and recommend its passage, as amended;

They have also had under consideration Assembly bill No. 71, an Act amendatory of and supplementary to an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto, and recommend that the same be indefinitely postponed.

A. L. RHODES, Chairman.

Senate bill No. 379, above reported, was referred to the Finance Committee.

Mr. Lewis, from the Calaveras delegation, made the following report :

Mr. PRESIDENT :—The delegation from Calaveras, to whom was referred Assembly bill No. 353, an Act to create and organize a fire department in the Town of Mokelumne Hill, in Calaveras County, report the same back, and recommend its passage.

WILLIAM T. LEWIS,  
P. A. GALLAGHER.

Mr. Hill made the following report :

Mr. PRESIDENT :—The Committee to whom was referred Assembly bill No. 344, an Act to grant the right to construct a turnpike road between the City of Petaluma and the Town of Santa Rosa, in Sonoma County, report the same back, and recommend its passage.

HILL.

Assembly bill No. 344, above reported, read third time, and passed.

Senate bill No. 125, relative to outside lands, ordered to top of file for April fifth.

Senate bill No. 229, relative to outside lands, ordered to top of file for April fifth.

Mr. Parks offered the following resolution :

*Resolved*, That the Clerks of the Committees on Claims and Judiciary be paid from the same fund as the members of the Senate.

Adopted.

#### GENERAL FILE.

Senate bill No. 214, an Act to prevent non-residents of this State from selling goods without a license—amended, rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Senate bill No. 218, an Act to authorize and direct the State Capitol Commissioners to cancel and annul the contract for building the foundation and basement walls of the Capitol, etc.

On the adoption of the amendments proposed by the Committee on Claims, the ayes and noes were demanded, by Messrs. Williamson, Shafter, and Parks, and taken, with the following result :

AYES—Messrs. Baker, Banks, Burnell, Chamberlain, Denver, Doll, Gallagher, Harvey, Harriman, Hathaway, Heacock, Holden, Irwin,

Kutz, Merritt, Nixon, Parks, Quint, Shurtleff, Vineyard, Watt, and Williamson—22.

NOES—Messrs. Crane, Gaskill, Hill, Kimball, Pacheco, Porter, Powers, Rhodes, Shafter, and Soule—10.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Shafter, Heacock, and Quint, and taken, with the following result :

AYES—Messrs. Baker, Banks, Burnell, Chamberlain, Denver, Doll, Gallagher, Harvey, Harriman, Hathaway, Heacock, Holden, Irwin, Merritt, Nixon, Parks, Quint, Shurtleff, Vineyard, Watt, and Williamson—21.

NOES—Messrs. Crane, Gaskill, Hill, Kimball, Pacheco, Porter, Powers, Rhodes, Shafter, and Soule—10.

So the bill was passed, and on motion of Mr. Gallagher, the Forty-Fifth Rule was suspended, and the Secretary directed to transmit it to the Assembly.

Senate bill No. 169, an Act in relation to the militia of the State—ordered to top of file for April fourth.

Senate bill No. 269, an Act to provide for coast defence.

On the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Gaskill, Quint, and Lewis, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Denver, De Long, Doll, Harvey, Irwin, Lewis, Merritt, Nixon, Parks, Porter, Powers, Quint, Soule, and Shurtleff—16.

NOES—Messrs. Banks, Chamberlain, Gallagher, Gaskill, Hathaway, Kutz, Oulton, Pacheco, Rhodes, Shafter, and Van Dyke—11.

#### REPORTS.

Mr. Oulton, from the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 338, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare county ;

Also, Senate bill No. 395, an Act supplemental to an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplementary thereto ;

Also, Senate bill No. 316, entitled an Act to authorize T. Willingham to sell and convey certain real estate and other property in the County of Tuolumne ;

Also, Senate bill No. 295, entitled an Act to amend an Act to regulate fees in office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty ;

Also, Senate bill No. 266, entitled an Act authorizing the Board of Supervisors of the City and County of San Francisco to examine certain claims ; and report the same correctly engrossed.

OULTON, for the Committee.



Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 120, an Act to release certain claims on the part of the State ;

Also, Senate bill No. 333, an Act to grant the right to construct a turnpike road between the Town of Murphy's, in Calaveras County, and the eastern boundary of the State of California ;

Also, Senate bill No. 199, an Act to grant to E. P. Bowman, and his associates, the right to construct a bridge across the Cosumnes River, in the Counties of Amador and El Dorado ;

Also, Senate bill No. 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof ;

Also, Senate bill No. 237, an Act to authorize Joshua Hendy, H. B. Tichenor, and Robert G. Byxbee to construct and maintain a wharf at the mouth of the Navarro River, in Mendocino County ;

Also, Senate bill No. 342, an Act to grant the right of way to construct a toll bridge across the Yuba River, near Parks' Bar, in Yuba County ;

Also, Senate concurrent resolution No. 47, relative to patents ;

And, this day, April second, eighteen hundred and sixty-two, at twelve o'clock and thirty minutes, P. M., delivered the same to the Governor, for his approval.

PORTER, Chairman.

Senate bill No. 270, an Act to provide for taking private property for public uses in certain cases, was referred to Committee on Military Affairs, with instructions to report back before Friday, April fourth, and ordered to top of the file for that day.

The Engrossing Clerk was directed to insert the words "the Board of Supervisors shall" in the nineteenth line of section one of Senate bill No. 179.

Mr. Irwin moved to reconsider the vote by which the Senate, on yesterday, refused to pass Assembly bill No. 142, an Act for the relief of George W. Nixsen.

Mr. Shafter raised a point of order, that the motion of Mr. Irwin was not in order, as there had been one reconsideration of action on this bill by the Senate.

The Chair (Mr. Merritt) decided that the point of order was well taken.

Mr. De Long appealed from the decision of the Chair.

On motion of Mr. Doll, the whole subject matter was made the special order for to-morrow, April third, at eleven and a half o'clock, A. M.

On motion of Mr. Harvey, at fifteen minutes past four o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Thursday, April 3d, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The following telegraphic correspondence was presented by Mr. Rhodes:

[Telegraphic.]

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
Sacramento, March 18th, 1862. }*To Hon. Salmon P. Chase, Secretary of Treasury, Washington, D. C.:*

Will you please telegraph immediately to this Department answers to the following interrogatories, for the information of a Legislative Committee:

First—Can this State assess the quota of the direct tax, allotted to California by Act of Congress, on personal as well as real property?

Second—Is the income tax in addition to the direct tax?

Third—Can the income tax be collected and assessed by State officers?

LELAND STANFORD, Governor.

[Answer.]

WASHINGTON, 25th March, }  
Received April 2d, 1862, 10 P. M. }*Hon. Leland Stanford:*I answer your first and second questions—*Yes*. Your third—*No*, not under the existing law.

S. P. CHASE.

Mr. Hill made a report from the Joint Committee on the Culture of the Vine.

Referred to Committee on Agriculture, with instructions to report by bill or otherwise, on Saturday next.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
April 1st, 1862. }

MR. PRESIDENT:—The Assembly this day passed Senate bill No. 313, an Act for the regulation of the telegraph, and secrecy and fidelity in the transmission of telegraphic messages;

Also, this day passed Senate bill No. 357, an Act concerning a bridge across the South Fork of the American River;

Also, this day passed Senate bill No. 397, an Act concerning a toll bridge across Bear River;

Also, this day passed Senate bill No. 368, an Act to authorize the Executrix and Executor of the estate of John Frye, deceased, to sell real estate;

Also, this day passed Assembly bill No. 201, an Act to protect free white labor, etc.;

Also, passed Assembly bill No. 144, to amend an Act concerning crimes and punishments, to enable persons, not Indians, to testify in criminal cases.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1862. }

Mr. PRESIDENT:—The Assembly, on the twenty-eighth of March, passed Assembly bill No. 149, in relation to liens of mechanics and others;

Also, on the thirty-first of March, passed Assembly bill No. 357, to authorize the Superintendent of Common Schools in the County of Fresno to teach school;

Also, on same day, passed Assembly bill No. 337, to authorize the Board of Supervisors of San Joaquin County to appropriate money.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 3d, 1862. }

Mr. PRESIDENT:—The Assembly, on yesterday, concurred in Senate concurrent resolution No. 50, relative to Joint Convention;

Also, concurred in Senate amendments to Assembly bills Nos. 207, 229, 285, 325, and 389;

Also, passed Senate bill No. 235, an Act in relation to a Board of Supervisors of Butte County, and concerning their powers;

Also, Senate bill No. 401, an Act authorizing and empowering José Lorenzo de Jesus Maria Piña, a minor, to dispose of his interest in certain real estate in the City of San Francisco;

Also, Senate bill No. 405, an Act to regulate artesian wells in the County of Santa Clara;

Also, Assembly bill No. 305, an Act concerning conveyances.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 144, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 149, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 305, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 337, above reported, read first and second times, and placed on file.

Assembly bill No. 357, above reported, read first and second times, and placed on file.

Assembly bill No. 201, above reported, read first and second times, and referred to Finance Committee.

The special order of the day—the question of sustaining the Chair in a decision that the vote on any final action upon a bill could not be reconsidered more than once—was taken up, and the decision of the Chair sustained.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Gaskill, for an Act to extend the time for the completion of the Northern Railroad Company's road.

Read first and second times, and referred to Judiciary Committee.

By Mr. Banks, for an Act to provide for the payment of the printing of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Quint, for an Act to authorize the County Auditors of the Counties of Mono, Tuolumne, Stanislaus and Merced, to issue certain bonds, and to provide for the construction of a road herein named.

Read first and second times, and referred to delegations from the counties named in the bill.

By Mr. Pacheco, for an Act to authorize and empower Manuel Torres to construct and maintain a boom on the Navarro River, in the County of Mendocino.

Read first and second times, and referred to Mendocino delegation.

By Mr. Quint, for an Act to amend an Act to make certain officers in the County of Tuolumne salaried officers.

Read first and second times, and referred to Tuolumne delegation.

Mr. Shurtleff presented certain newspaper accounts.

Referred to Committee on Contingent Expenses.

#### GENERAL FILE.

Senate bill No. 316, an Act to authorize T. Willingham to sell and convey certain real estate and other property in the County of Tuolumne—read third time, and lost.

Senate bill No. 266, an Act authorizing the Board of Supervisors of the City and County of San Francisco to examine certain claims—read third time, and passed.

Senate bill No. 398, an Act authorizing Marcella Bojorguez Lopez to sell and convey the interests of her children in certain real estate—indefinitely postponed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 3d, 1862. }

MR. PRESIDENT:—I am instructed to inform the Senate that the Assembly will meet the Senate in Joint Convention, in the Assembly Chamber, at twelve o'clock, for the purpose of electing two Trustees of the State Insane Asylum.

W. N. SLOCUM,  
Assistant Clerk.

In pursuance of the above message, the Senate proceeded to the Assembly Chamber for the purpose specified.



## IN JOINT CONVENTION.

Hon. J. McM. Shafter, President pro tem. of the Senate, and Hon. George Barstow, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. De Long, Heacock, Hill, Merritt, Pacheco, Thomas, and Vineyard.

House roll called.

Absent—Messrs. Avery, Bell, Campbell, Collins, Cott, Cunnard, Dana, Dudley of Solano, Eliason, Jackson, Machin, McCullough, Morrison, Thompson of Tehama, Werk, and Yule.

The Secretary read the resolution under which the Convention assembled.

The Convention decided to elect the two Trustees together.

Mr. Thompson of San Joaquin nominated Austin Sperry.

Mr. Meyers nominated H. B. Underhill.

There being no further nominations, the Secretary called the roll, with the following result:

Names.	Sperry.	Underhill.
Baker.....	1	1
Banks.....	1	1
Bogart.....	1	1
Burnell.....	1	1
Chamberlain.....	1	1
Crane.....	1	1
Denver.....	1	1
Doll.....	1	1
Gallagher.....	1	1
Gaskill.....	1	1
Harvey.....	1	1
Harriman.....	1	1
Hathaway.....	1	1
Holden.....	1	1
Irwin.....	1	1
Kimball.....	1	1
Kutz.....	1	1
Lewis.....	1	1
Nixon.....	1	1
Oulton.....	1	1
Parks.....	1	1
Perkins.....	1	1
Porter.....	1	1
Powers.....	1	1
Quint.....	1	1
Rhodes.....	1	1
Shafter.....	1	1
Soule.....	1	1
Shurtleff.....	1	1
Van Dyke.....	1	1
Warmcastle.....	1	1
Watt.....	1	1

Names.	Sperry.	Underhill.
Amerige.....	1	1
Ames .....	1	1
Avery.....	1	1
Barton of Sacramento .....	1	1
Barton of San Bernardino.....	1	1
Battles .....	1	1
Benton.....	1	1
Bigelow .....	1	1
Brown.....	1	1
Cunnard.....	1	1
Dean.....	1	1
Dennis.....	1	1
Dore .....	1	1
Dow .....	1	1
Dudley of Placer.....	1	1
Eagar .....	1	1
Eliason.....	1	1
Evey.....	1	1
Fay.....	1	1
Frazier.....	1	1
Gordon.....	1	1
Griswold.....	1	1
Hillyer .....	1	1
Hoag .....	1	1
Hoffman.....	1	1
Irwin.....	1	1
Jackson .....	1	1
Kendall.....	1	1
Lane.....	1	1
Leach.....	1	1
Loewy.....	1	1
Love.....	1	1
Maclay .....	1	1
Matthews .....	1	1
Meyers.....	1	1
Moore.....	1	1
O'Brien.....	1	1
Orr .....	1	1
Parker .....	1	1
Pemberton .....	1	1
Porter .....	1	1
Printy .....	1	1
Reed .....	1	1
Reese.....	1	1
Sargent .....	1	1
Saul .....	1	1
Sears.....	1	1
Seaton.....	1	1
Shannon.....	1	1
Smith of Sierra .....	1	1
Teegarden.....	1	1

Names.	Sperry.	Underhill.
Thompson of San Joaquin .....	1	1
Thornbury .....	1	1
Tilton of San Francisco.....	1	1
Tilton of San Mateo.....	1	1
Van Zandt.....	1	1
Waddell .....	1	1
Warwick .....	1	1
Watson .....	1	1
Woodman .....	1	1
Worthington .....	1	1
Wright.....	1	1
Yule.....	1	1
Zuck .....	1	1
Mr. Speaker.....	1	1
Totals.....	97	97

H. B. Underhill and Austin Sperry, having received all the votes cast, were declared duly elected Trustees of the Insane Asylum.

The objects of the Convention having been accomplished, the Convention adjourned *sine die*.

The President pro tem. and Senators proceeded to the Senate Chamber.

#### IN SENATE.

Roll called. Quorum present.

#### GENERAL FILE RESUMED.

Senate bill No. 145, an Act amendatory of and supplementary to an Act to prescribe the duties and provide for the compensation of the several officers of the County of Butte, approved May third, eighteen hundred and sixty-one—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 275, an Act to authorize Philip G. Galpin, Guardian, to compromise claims, and convey certain real estate—amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 307, an Act to amend an Act authorizing the Administrators of the estate of Gilbert A. Grant, deceased, to sell real estate at private sale, approved April fourteenth, eighteen hundred and sixty-one—rules being suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 349, an Act to authorize the Administrator of the estate of Minerva E. Haun, deceased, to sell and dispose of real estate and chattels real of said estate—rules being suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Assembly bill No. 105, an Act to authorize the Administrator of the

estate of Francis Tribon to sell real estate at public or private sale—read third time, and passed.

Assembly bill No. 104, an Act in relation to public roads in the County of Calaveras, and to the Road Fund of said county—read third time, and passed.

Assembly bill No. 208, an Act legalizing roads in Tuolumne County—read third time, and passed.

Assembly bill No. 232, an Act to change the name of Anna Eliza Weir—read third time, and passed.

Assembly bill No. 286, an Act to authorize the Board of Supervisors of Calaveras County to employ a competent person to examine the records and ascertain the present existing debt of said county, etc.—read third time, and passed.

Assembly bill No. 211, an Act to district the County of Tuolumne into Supervisor districts—read third time, and passed.

Assembly bill No. 188, an Act to provide means to pay the indebtedness of Del Norte County to Klamath County—amended, read third time, and passed.

Assembly bill No. 248, an Act to authorize the Board of Supervisors of Klamath County to levy a special tax, and to create a Redemption Fund, for the payment of county indebtedness—amended, read third time, and passed.

Senate bill No. 300, An Act to authorize the consolidation and fusion of certain joint stock associations therein named—referred to San Francisco delegation.

Senate bill No. 324, an Act to grant the right of way to construct a toll bridge across Bear River to certain parties therein named—amended, rules suspended, considered engrossed, read third time, and passed.

Senate Bill No. 255, an Act to transfer and legalize certain records in the County of Mono—referred to delegation from Tuolumne and Mono.

By unanimous consent, the Senate reconsidered the vote by which, on the first instant, the Assembly amendments to Senate bill No. 251, an Act to provide for the repair and construction of levees in the County of Sacramento, etc., were concurred in—and refused to concur in the same.

Assembly bill No. 220, an Act to authorize the issuance of a patent to Maurice J. Dooly, for certain lands in San Joaquin County—laid on the table.

Mr. Parks moved to suspend the rules, and take from the file Senate bill No. 348, an Act to authorize the Register of the State Land Office to issue duplicate certificates of purchase to School or Swamp Lands, where the originals have been lost or destroyed.

Upon which, the ayes and noes were demanded, by Messrs. Quint, Lewis, and Parks, and taken, with the following result :

**AYES**—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Denver, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Nixon, Parks, Pacheco, Perkins, Powers, Quint, Rhodes, Shurtleff, Van Dyke, Warmcastle, and Williamson—27.

**NOES**—Messrs. Bogart, Doll, Gaskill, Oulton, Soule, and Watt—6.

So the bill was taken up, substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Assembly bill No. 67, an Act to authorize and empower William H.



Kelly to construct and maintain booms on Gaspar creek, in Mendocino County—was read third time, and passed.

Assembly bill No. 91, an Act to authorize the parties therein named to construct and maintain a wharf—was read third time, and passed.

Assembly bill No. 319, an Act changing the time of assessing the value of real and personal property, and collecting the taxes levied thereon for State and county purposes in the County of Sierra—was read third time, and passed.

Senate bill No. 347, an Act to pay certain warrants of the City of Sacramento therein mentioned—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 334, an Act concerning hogs found running at large in Tulare County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 388, an Act to grant the right to construct a turnpike road between the Town of Grass Valley, in the County of Nevada, and Bear River, at or near McCourtney's Crossing—was amended, rules suspended, considered engrossed, read third time, and passed.

Mr. Oulton offered the following resolution :

*Resolved*, That the Special Committee appointed to investigate the fraudulent interpolation of certain words into an Act to provide for the Sale of the Marsh and Tide Lands of this State, be and are hereby requested to report to this Senate the progress made, if any, in said investigation.

Adopted.

Senate bill No. 358, an Act appropriating money to pay the claim of Eugene Lies for translating State documents—was read first and second times.

Mr. Oulton moved to amend by inserting in the blank, "six hundred and fifty dollars."

Upon which, the ayes and noes were demanded, by Messrs. Oulton, Merritt, and Powers, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Denver, Gaskill, Harvey, Hathaway, Nixon, Oulton, Parks, Perkins, Rhodes, Shafter, and Van Dyke—14.

NOES—Messrs. Baker, Bogart, Doll, Holden, Irwin, Lewis, Merritt, Powers, Quint, Soule, Shurtleff, Warmcastle, and Watt—13.

The rules were suspended, bill considered engrossed, read third time, and passed.

Mr. Merritt gave notice of reconsideration.

The claim of Richard M. Jessup *vs.* The State of California was rejected.

Mr. Banks gave notice of reconsideration.

Senate bill No. 352, an Act to authorize John S. Rutherford and George E. Webber to construct a railroad and railroad wharf in Mendocino County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 330, an Act fixing the salary of the County Auditor of Tulare County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 329, an Act to make county warrants receivable in

payment of taxes in Tulare County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 325, an Act for the relief of S. H. Brooks, late Controller of State—indefinitely postponed.

Senate bill No. 219, an Act to amend an Act to define the boundaries and provide for the organization of Lake County, etc.—indefinitely postponed.

Assembly bill No. 196, an Act concerning hogs running at large in the County of Solano—read third time, and passed.

Assembly bill No. 218, an Act to authorize and empower Frederick Brown and his assigns to construct and maintain booms and piers in Garcia Creek, in Mendocino County—read third time, and passed.

Assembly bill No. 36, an Act to authorize Lewis E. Morgan, his associates or assigns, to construct and maintain a wharf in Contra Costa County—read third time, and passed.

Assembly bill No. 94, an Act concerning certain salaries and fees of office in Monterey County—laid on the table.

Assembly bill No. 168, an Act to fix the compensation of the County Judge of Nevada County—laid on the table.

Assembly bill No. 328, an Act to amend an Act, approved February nineteenth, eighteen hundred and sixty-two, entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements—laid on the table.

Mr. Perkins moved to take from unfinished business the motion to reconsider the vote by which the Senate, on the twentieth ultimo, passed Senate bill No. 78, an Act to establish a municipal or inferior Court in the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco.

Carried.

On the reconsideration, the ayes and noes were demanded by Messrs. Quint, Banks, and Parks, and taken, with the following result :

AYES—MESSRS. Baker, Banks, Bogart, Burnell, Denver, Doll, Gallagher, Holden, Irwin, Lewis, Merritt, Parks, Quint, Shurtleff, Warmcastle, and Williamson—16.

NOES—MESSRS. Chamberlain, Crane, Gaskill, Harvey, Harriman, Hathaway, Kimball, Oulton, Perkins, Powers, Rhodes, Shafter, and Soule—13.

So the vote was reconsidered, and the further consideration made the special order for twelve o'clock, M., Saturday, April fifth.

Senate bill No. 134, an Act to authorize the Counties of Calaveras and Stanislaus to pay George E. Drew for running boundary lines.

On the adoption of the amendment reported by the Committee on Claims, under special instructions of the Senate, the ayes and noes were demanded, by Messrs. Lewis, Doll, and Gallagher, and taken, with the following result :

AYES—MESSRS. Banks, Bogart, Burnell, Denver, Doll, Gallagher, Harvey, Irwin, Kimball, Lewis, Merritt, Nixon, Oulton, Parks, Quint, Rhodes, Shafter, Soule, Shurtleff, and Van Dyke—20.

NOES—MESSRS. Chamberlain, Crane, Gaskill, Harriman, Hathaway, Holden, Kutz, Perkins, Powers, Warmcastle, and Watt—11.

Rules suspended, considered engrossed, read third time, and passed, and title amended.

Assembly bill No. 168, an Act to fix the compensation of the County Judge of Nevada County—taken from the table, amended, read third time, and passed.

Senate bill No. 335, an Act to provide for the County of Coso—indefinitely postponed.

Mr. Shurtleff gave notice of reconsideration.

#### REPORTS.

Mr. Shafter made a verbal report, recommending the passage of Assembly bills No. 238 and 240, Acts to give further powers to the Board of Supervisors of the City and County of San Francisco;

Also, Assembly bill No. 272, an Act to authorize Robert G. Arthur, his associates or assigns, to construct and keep in repair certain roads upon the San Miguel Rancho, and adjoining property, in the City and County of San Francisco, and to levy and collect tolls thereon;

Also, Assembly bill No. 214, an Act to authorize the Commissioners of the funded debt of the City and County of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto.

Ordered third on file for April fifth.

Mr. Parks, from the Committee on Claims, made the following report:

MR. PRESIDENT:—Your Committee on Claims have had under consideration Assembly bill No. 332, an Act for the relief of Oliver and Lewis, and report the same back, and recommend its passage.

PARKS, Chairman.

Mr. Rhodes, from the Judiciary Committee, reported adverse to the cession of a portion of the State to Nevada Territory.

Ordered on file with Senate bill No. 356.

Mr. Burnell, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined Senate bill No. 388, entitled an Act to grant the right to construct a turnpike road between the Town of Grass Valley, in the County of Nevada, and a point on Bear River, at or near McCourtney's Crossing, and find the same correctly engrossed.

BURNELL, Chairman.

Mr. Denver introduced a concurrent resolution relative to Joint Convention on the fifth instant, at twelve o'clock, M., for the purpose of electing three Trustees for the State Reform School, and one Trustee for the State Library.

Adopted.

Senate bill No. 351, and Assembly bill No. 186, were placed fourth and fifth on file for Saturday, April fifth.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 3d, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 67, an Act providing for an Attorney and Counsellor in and for the City and County of San Francisco.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 3d, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 120, an Act to release certain claims on the part of the State;

Also, Senate bill No. 175, an Act in relation to the Register of the State Land Office;

Also, Senate bill No. 258, an Act to enable the Attorney-General to employ a Clerk;

Also, Senate bill No. 333, an Act to grant the right to construct a turnpike road between the Big Tree Grove, in Calaveras County, and the eastern boundary of the State of California.

LELAND STANFORD, Governor.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
April 3d, 1862. }

Mr. PRESIDENT:—The House, this day, concurred in Senate amendments to Assembly bills Nos. 75 and 77, and passed Senate bill No. 384—all relating to revenue for the support of the Government of the State;

Also, on the thirty-first of March, passed Assembly bill No. 154, an Act to establish the lines and grades of streets in the City and County of San Francisco;

Also, on April first, passed Assembly bill No. 407, an Act in relation to the office of Superintendent of Common Schools in the County of San Diego;

Also, on April first, passed Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations of the thirteenth fiscal year;

Also, this day, passed Assembly bill No. 415, an Act supplementary to an Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and sixty-one.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 3d, 1862. }

Mr. PRESIDENT:—The Assembly this day concurred in Senate concurrent resolution No. 51, relative to allowing mileage;



Also, passed substitute for Senate bill No. 172, an Act for the relief of purchasers of Swamp and Overflowed, Salt Marsh, and Tide Lands;

Also, passed Senate bill No. 174, an Act for the relief of E. B. Ryan, Assessor for the City and County of Sacramento;

Also, passed Senate bill No. 306, an Act to appropriate certain funds;

Also, passed Senate bill No. 350, an Act to amend an Act to incorporate the City of Placerville;

Also, passed Senate bill No. 366, an Act to provide for the establishment, maintenance, and protection of public and private roads in the County of Santa Cruz;

Also, passed Assembly bill No. 377, an Act concerning the indebtedness of San Bernardino County;

Also, on March thirty-first, passed Assembly bill No. 277, an Act to authorize Hiram Thorne and others to construct a wagon road in the Counties of Contra Costa and Alameda.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 377, above reported, read first and second times, and referred to San Bernardino delegation.

Assembly bill No. 277, above reported, read first and second times, and referred to Contra Costa and Alameda delegations.

Assembly bill No. 154, above reported, read first and second times, and referred to San Francisco delegation.

Assembly bill No. 407, above reported, read first and second times, and referred to San Diego delegation.

Assembly bill No. 365, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 415, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Heacock, for an Act to provide for the government of the common schools in Sacramento.

Read first and second times, and placed on file.

By Mr. Crane, for an Act to amend an Act concerning Sheriffs, which took effect July first, eighteen hundred and fifty.

Read first and second times, and placed on file.

By Mr. Banks, for an Act authorizing Adam G. Muirhead, Executor of the estate of John Muirhead, deceased, to sell the real estate of the said John Muirhead, deceased, at public or private sale.

Read first and second times, and referred to the Judiciary Committee.

Mr. Holden made the following report :

MR. PRESIDENT:—The delegation to whom was referred Assembly bill No. 124, an Act to prevent certain animals from running at large in Napa City, have had the same under consideration, amended the bill, and recommend the passage of the same, as amended.

HOLDEN.

Mr. Holden moved to suspend the rules and take up the bill above reported.

Upon which, the ayes and noes were demanded, by Messrs. Quint, Heacock, and Holden, and taken, with the following result :

AYES—Messrs. Baker, Banks, Bogart, Burnell, Denver, Doll, Gallagher, Gaskill, Harvey, Heacock, Holden, Irwin, Nixon, Quint, Soule, Shurtleff, Van Dyke, Warmcastle, and Watt—19.

NOES—Messrs. Chamberlain, Crane, Kutz, Oulton, Porter, Powers, Rhodes, and Shafter—8.

So the bill was taken up, amended, read third time, and passed.

Mr. Shurtleff moved to suspend the rules and take up Senate bill No. 108.

Upon which the ayes and noes were demanded, by Messrs. Heacock, Quint, and Holden, and taken, with the following result :

AYES—Messrs. Baker, Banks, Chamberlain, Crane, Denver, Doll, Harvey, Heacock, Holden, Parks, Quint, Rhodes, Shurtleff, and Watt—14.

NOES—Messrs. Bogart, Burnell, Gaskill, Irwin, Kutz, Oulton, Porter, Powers, Shafter, Soule, and Warmcastle—11.

Assembly bill No. 246, an Act to regulate the fees of the County Surveyor of Napa County.

Read third time, and on its passage the ayes and noes were demanded, by Messrs. Holden, Watt, and Bogart, and taken, with the following result :

AYES—Messrs. Burnell, Crane, Powers, and Shafter—4.

NOES—Messrs. Baker, Banks, Bogart, Denver, Gallagher, Gaskill, Holden, Irwin, Kutz, Nixon, Oulton, Parks, Porter, Quint, Rhodes, Soule, Shurtleff, Warmcastle, and Watt—19.

At five o'clock, P. M., on motion of Mr. Watt, the Senate adjourned.

J. McM. SHAFTER,

President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, April 4th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Parks, the vote by which Senate concurrent resolution No. 53, relative to Joint Convention, was adopted, was reconsidered, and the resolution laid on the table.

## REPORTS.

Mr. Gallagher made a verbal report, recommending passage of Senate bill No. 408, and Assembly bill No. 150.

Mr. Van Dyke, from the Committee on Military Affairs, made the following report:

MR. PRESIDENT:—The Committee on Military Affairs, to whom was referred Senate bill No. 270, report the same back, with amendments, and recommend the adoption of the amendments, and the passage of the bill.

Amend section one, line seventeen, by striking out "for the space of four weeks," and insert "for the same time as is provided in civil actions in case of service upon non-resident defendants."

Also, Assembly bill No. 153, and report the same, with amendments, and recommend the adoption of the amendments, and the passage of the bill.

VAN DYKE, Chairman.

Mr. Williamson made a verbal report, reporting back Senate bill No. 251, without recommendation.

Mr. Quint made a verbal report, recommending passage of Senate bill No. 255.

Amended, ordered engrossed, and read third time.

Mr. Shafter made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 294, an Act to authorize Eugene L. Sullivan and others to lay down gas pipes in the streets of San Francisco, with instructions, report that there is some doubt as to the power of the Board of Supervisors of said city to allow streets to be taken up for the purpose of laying down such gas pipes. One of the District Courts of said city has decided adversely to such power for the purpose of constructing a railroad, and it is not believed that the purpose would make any difference as to the power.

After a long struggle against an unparalleled corruption, the people of this city settled upon their Consolidation Act, by which the power of the local authorities was greatly circumscribed, and the undersigned are not aware of the existence of any general well defined public wish for any material change or enlargement of that power.

Two of the undersigned, at the last session of the Legislature, made repeated but entirely unavailing efforts to procure a specific enlargement of the power of the Board of Supervisors of the city, and it is not yet clear to us that another similar effort would have any other result.

While we entertain this opinion as to the feasibility of the plan for the enlargement of the powers of the Board, we are not inclined to jeopardize, by our recommendation to make the attempt, the success of a plan designed to relieve this city of a great monopoly which at present exists in the present gas company of this city.

We have therefore complied with the order of the Senate, by reporting a bill in accordance with its direction, but we recommend that the bill be indefinitely postponed, and that the bill referred to us, pass.

SHAFTER,  
HATHAWAY,  
SOULE,  
PERKINS,  
BANKS.

Mr. Shafter made a verbal report, recommending the indefinite postponement of Senate bills Nos. 341 and 196, and Senate bill No. 98, without recommendation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Heacock, for an Act to provide for procuring testimony in certain cases.

Read first and second times, and placed on file.

By Mr. Lewis, for an Act to repeal an Act to regulate fees of certain officers in Calaveras County.

Read first and second times, and placed on file.

By Mr. Doll, for an Act to define the meaning of certain terms used in the revenue laws of this State.

Read first and second times, rules suspended, considered engrossed, read third time, passed, and the Forty-Fifth Rule suspended, and the Secretary directed to transmit to the Assembly.

Mr. Warmcastle offered concurrent resolution relative to granting leave of absence to the County Judge of Contra Costa County.

Adopted.

Mr. Heacock offered the following resolution :

*Resolved*, That the Committee on Finance be instructed to report back to this Senate, forthwith, Assembly bill No. 201, entitled an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into the State of California.

Pending the consideration of the above resolution, the special order, the general file, was called for.

Mr. Doll moved to postpone the general file for ten minutes.

Upon which, the ayes and noes were demanded, by Messrs. Heacock, Watt, and Oulton, and taken, with the following result :

AYES—Messrs. Bogart, Burnell, Denver, Doll, Gallagher, Harvey, Hathaway, Heacock, Holden, Kimball, Oulton, Quint, Shurtleff, Van Dyke, and Watt—15.

NOES—Messrs. Baker, Chamberlain, Crane, De Long, Gaskill, Harri-man, Hill, Kutz, Lewis, Merritt, Parks, Pacheco, Porter, Powers, Rhodes, Shafter, Soule, and Vineyard—18.

#### GENERAL FILE.

Assembly bill No. 169, an Act concerning the militia of this State—considered as in Committee of the Whole, reported with amendments, amendments adopted, and read a third time.

Mr. Merritt then moved to recommit the bill to the Military Committee, with instructions to amend the bill by dividing the State into three Divisions, and also to amend the bill so as to provide for the counties paying for the rent of armories.

Mr. Parks moved to strike out the first part of the instructions.

Carried.

Mr. Shafter moved to strike out that portion of section twenty-two making the rent of armories, etc., a State charge.

Upon which, the ayes and noes were demanded, by Messrs. Gaskill, Parks, and Merritt, and taken, with the following result :



**AYES**—Messrs. Baker, Bogart, Burnell, Chamberlain, Denver, Holden, Irwin, Merritt, Parks, Pacheco, Quint, Rhodes, Soule, Shurtleff, Warmcastle, and Williamson—16.

**NOES**—Messrs. Banks, Gaskill, Harvey, Harriman, Hathaway, Kimball, Kutz, Lewis, Oulton, Perkins, Porter, Powers, Shafter, and Watt—14.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Powers, Shurtleff, and Merritt, and taken, with the following result :

**AYES**—Messrs. Banks, Burnell, Chamberlain, Gaskill, Harvey, Harriman, Hathaway, Kimball, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Van Dyke, and Warmcastle—17.

**NOES**—Messrs. Baker, Bogart, Denver, Holden, Irwin, Lewis, Merritt, Quint, Shurtleff, and Williamson—10.

#### REPORTS.

Mr. Porter, from the Committee on Enrolment, made the following report :

**MR. PRESIDENT:**—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 178, an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed and Salt Marsh and Tide Lands donated to the State of California by Act of Congress approved May thirteenth, eighteen hundred and sixty-one ;

Also, substitute for Senate bill No. 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings ;

Also, substitute for Senate bill No. 220, an Act concerning the office of Sheriff of El Dorado County ;

Also, Senate bill No. 165, an Act concerning roads and highways in the County of Mariposa ;

Also, Senate bill No. 256, an Act to pay the claim of Eugene Lies, for translating the State laws of the twelfth session of the Legislature ;

Also, Senate bill No. 63, an Act for the relief of W. D. Sawyer ;

Also, Senate bill No. 179, an Act to amend an Act entitled an Act creating a Board of Commissioners in each township of the several counties of this State, to regulate water courses within their several limits, passed May fifteenth, eighteen hundred and fifty-four ;

Also, Senate bill No. 396, an Act to provide for the care of the indigent sick of Tehama County, and to levy a tax therefor ;

Also, Senate bill No. 253, an Act amendatory of and supplemental to an Act to regulate the fire department of the City and County of San Francisco, passed March twenty-fifth, eighteen hundred and fifty-seven, and the several Acts amendatory thereof ;

And this day, April fourth, eighteen hundred and sixty-two, at twelve o'clock, M., delivered the same to the Governor for his approval.

GEO. K. PORTER, Chairman.

Mr. Powers, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—Your Committee on Engrossment have examined Senate bill No. 324, an Act to grant the right of way to construct a toll bridge across Bear River, to certain parties therein named ;

Also, Senate bill No. 352, an Act to authorize John S. Rutherford and George E. Webber to construct a railroad and railroad wharf in Mendocino County ;

Also, substitute for Senate bill No. 134, an Act to authorize the Counties of San Joaquin and Stanislaus to pay George E. Drew for running boundary lines ;

Also, Senate bill No. 330, an Act fixing the salary of the County Auditor of Tulare County ;

Also, Senate bill No. 334, an Act concerning hogs running at large in Tulare County ;

Also, Senate bill No. 329, an Act to make county warrants receivable in payment of taxes in Tulare County ;

Also, Senate bill No. 347, an Act to pay certain warrants of the City of Sacramento herein mentioned ; and find the same correctly engrossed.

POWERS, for the Committee.

Mr. Merritt moved to reconsider the vote by which the Senate on yesterday passed Senate bill No. 358, an Act appropriating money to pay the claim of Eugene Lies for translating State documents.

Upon which, the ayes and noes were demanded, by Messrs. Oulton, Gaskill, and Hathaway, and taken, with the following result :

AYES—Messrs. Banks, Bogart, Holden, Irwin, Lewis, Merritt, Pacheco, Powers, Quint, Shurtleff, Watt, and Williamson—12.

NOES—Messrs. Baker, Burnell, Chamberlain, Crane, Denver, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Kimball, Kutz, Oulton, Porter, Rhodes, Shafter, and Soule—18.

Mr. Shurtleff moved to reconsider the vote by which the Senate on yesterday indefinitely postponed Senate bill No. 355, an Act to provide for the County of Coso.

The motion to reconsider was made special order for to-morrow.

Mr. Williamson made the following report :

Mr. PRESIDENT :—Your Committee to whom was referred Assembly bill No. 260, an Act to reincorporate the City of Sonora, having had the same under consideration, report the same back, and recommend its passage.

L. QUINT,  
C. V. WILLIAMSON.

Assembly bill No. 260, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
April 4th, 1862. }

Mr. PRESIDENT :—The House, on the first of April, passed Assembly bill No. 68, an Act concerning the trespassing of stock ;

Also, on the thirty-first of March, passed Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes;

Also, on the second of April passed Assembly bill No. 261, an Act to organize townships, etc.;

Also, on the third of April passed Assembly bill No. 135, an Act for the protection of growing timber;

Also, on the third of April passed Assembly bill No. 359, an Act to amend an Act to provide revenue, etc.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bills Nos. 346 and 261, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bills Nos. 68 and 135, above reported, read first and second times, and referred to the Committee on Agriculture.

Mr. Quint made the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Senate bill No. 412, an Act to authorize the County Auditors of the Counties of Mono, Tuolumne, Stanislaus, and Merced, to issue certain bonds, and provide for the construction of a road therein named, have had the same under consideration, and report the same back, and recommend its passage.

L. QUINT.  
C. V. WILLIAMSON.

Senate bill No. 412, above reported, was made special order for Tuesday next, April eighth, at three o'clock, P. M.

#### GENERAL FILE RESUMED.

Senate bill No. 289, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—*indefinitely postponed*.

Senate bill No. 65, an Act to exempt insurance companies, organized in this State, from paying a stamp tax—*indefinitely postponed*.

Senate bill No. 252, an Act to abolish all laws for the collection of debts—*indefinitely postponed*.

Senate bill No. 149, an Act to amend an Act entitled an Act to establish the salaries of the officers and pay of members of the Legislature, passed April twenty-first, eighteen hundred and fifty-six—*amended*, and, on the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Soule, Crane, and Quint, and taken, with the following result:

AYES—Messrs. Bogart, Denver, Gallagher, Harvey, Harriman, Heacock, Holden, Kimball, Lewis, Merritt, Nixon, Parks, Pacheco, Porter, Powers, Quint, Warmcastle, and Williamson—18.

NOES—Messrs. Chamberlain, Crane, Hathaway, Kutz, Oulton, Perkins, Rhodes, Shafter, Soule, Shurtleff, and Van Dyke—11.

Senate bill No. 286, an Act to amend an Act for the protection of harbors, approved April twenty-third, eighteen hundred and sixty-one—*rules suspended*, considered engrossed, read third time, and passed.

Senate bill No. 210, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth,

eighteen hundred and sixty-one—amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 249, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 133, an Act to provide for the pay of Captains who have recruited and raised companies for the regiments of volunteers of this State, under the requisition of the President of the United States, etc.

On the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Lewis, Quint, and Williamson, and taken, with the following result :

AYES—Messrs. Banks, Bogart, Crane, Gaskill, Harvey, Harriman, Hathaway, Holden, Kutz, Merritt, Nixon, Oulton, Parks, Pacheco, Porter, Powers, Rhodes, Shafter, Soule, and Warmcastle—20.

NOES—Messrs. Burnell, Chamberlain, Denver, Gallagher, Heacock, Lewis, Quint, Shurtleff, Vineyard, and Williamson—10.

Mr. Rhodes moved to print Senate bill No. 343, proposed amendments to the Constitution of the State of California.

Carried.

Bill ordered to top of file for April seventh.

On motion of Mr. Heacock, Senate bill No. 415, an Act to provide for the government of Common Schools in the City of Sacramento—rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

On motion of Mr. Burnell, at five o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER.

Saturday, April 5th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved

## REPORTS.

Mr. Banks, from the Committee on Corporations, made the following report :

MR. PRESIDENT :—The Committee on Corporations, having had under consideration Assembly bill No. 306, an Act to authorize C. C. Bowman



and his associates to construct a wharf in Alameda creek, ask leave to report the same back, with an amendment, and recommend its passage as amended ;

Also, Assembly bill No. 303, an Act to extend the time for the construction of the second line of telegraph between California and the Eastern States, and recommend that it do not pass ;

Also, Senate bill No. 400, an Act supplemental to an Act entitled an Act concerning corporations, passed April fourteenth, eighteen hundred and fifty-three, and the several Acts amendatory thereof and supplemental thereto, and recommend its passage.

BANKS, Chairman.

Mr. Harvey, from the Committee on Swamp and Overflowed Lands, made the following report :

MR. PRESIDENT :—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 415, an Act supplemental to an Act entitled an Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight, have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

O. HARVEY, Chairman.

Mr. Chamberlain made a verbal report, recommending that Assembly bill No. 68, concerning the trespassing of stock, be referred to the delegations from San Joaquin, Yolo, and Yuba.

So referred.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 144, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, beg leave to report that they have had the same under consideration, and report it without recommendation ;

They have also considered Assembly bill No. 225, an Act to regulate the proceedings of the Board of Supervisors for the County of San Diego, and to define their duties, and report it back without recommendation ;

They have also considered Assembly bill No. 357, an Act to authorize the Superintendent of Common Schools in the County of Fresno to teach school, and report it back, with an amendment, and recommend its passage, as amended ;

They have also considered Assembly bill No. 231, an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty, and recommend its passage.

RHODES, Chairman.

Mr. Bogart, from the San Diego and San Bernardino delegation, made the following report :

MR. PRESIDENT :—The San Diego and San Bernardino delegation, having had Assembly bill No. 377, an Act concerning the indebtedness of

San Bernardino County, under consideration, report the same back, and recommend its passage.

BOGART, of Delegation.

On the motion to suspend the rules and consider the bill above reported now, the ayes and noes were demanded, by Messrs. Bogart, Heacock, and Watt, and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Burnell, Gallagher, Harvey, Harriman, Heacock, Hill, Holden, Irwin, Kimball, Lewis, Merritt, Nixon, Pacheco, Quint, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—22.

NOES—Messrs. Chamberlain, Crane, Kutz, Oulton, Porter, Powers, Shafter, and Soule—8.

So the motion prevailed, and the rules being suspended, the bill was read third time and passed.

Mr. Harriman, from the Placer delegation, made the following report:

MR. PRESIDENT:—The Placer delegation, to whom was referred Assembly bill No. 210, in relation to the indigent sick of the County of Placer, having had the same under consideration, report it back, and recommend its passage.

HARRIMAN, of Delegation.

On the motion to consider the bill now, the ayes and noes were demanded, by Messrs. Kutz, Powers, and Soule, and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Burnell, Denver, Gallagher, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Lewis, Parks, Pacheco, Quint, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—22.

NOES—Messrs. Chamberlain, Crane, Kutz, Oulton, Porter, Powers, Shafter, and Soule—8.

The bill above reported was recommitted to the Placer delegation.

Mr. Powers moved to suspend the rules and consider Senate bill No. 257.

Upon which, the ayes and noes were demanded, by Messrs. Soule, Crane, and Powers, and taken, with the following result:

AYES—Messrs. Harvey, Harriman, Heacock, Hill, Kimball, Merritt, Parks, Powers, Shurtleff, Warmcastle, and Watt—11.

NOES—Messrs. Baker, Bogart, Chamberlain, Crane, Gallagher, Holden, Irwin, Kutz, Lewis, Oulton, Perkins, Porter, Shafter, Soule, and Williamson—15.

Mr. Bogart made the following report:

MR. PRESIDENT:—The delegation having under consideration Assembly bill 407, an Act in relation to the office of Superintendent of Common Schools in the County of San Diego, report the same back, and recommend its passage.

J. C. BOGART.

Mr. Warmcastle, from the Alameda and Contra Costa delegation, made the following report :

MR. PRESIDENT:—The delegation from the Counties of Alameda and Contra Costa have had under consideration Assembly bill No. 277, and report the same back with an amendment, and recommend its passage as amended.

CRANE,  
WARMCASTLE.

Mr. Quint made the following report :

MR. PRESIDENT:—Your Committee to whom was referred Senate bill No. 411, an Act to amend an Act to make certain offices in Tuolumne County salaried offices, have had the same under consideration, and report the same back, and recommend its passage.

L. QUINT.

Mr. Hathaway, from the San Francisco delegation, made the following report :

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 233, ask leave to report the same back, and recommend its passage as amended.

HATHAWAY,  
PERKINS.

Mr. Parks presented a communication from the Superintendent of Indian Affairs.

Referred to Committee on Military Affairs.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
April 4th, 1862. }

MR. PRESIDENT:—The Assembly, this day, unanimously adopted the amendments to the Constitution, adopted by the Legislature of this State at its twelfth session.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 4th, 1862. }

MR. PRESIDENT:—The Assembly, this day, concurred in Senate amendments to Assembly bill No. 124, to prevent certain animals from running at large in Napa City ;

Also, concurred in Senate amendments to Assembly bill No. 168, to fix the compensation of the County Judge of Nevada County ;

Also, concurred in Senate amendments to Assembly bill No. 248, to authorize the Board of Supervisors of Klamath County to levy a special tax ;

Also, passed substitute for Senate bill No. 145, an Act amendatory of and supplementary to an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte ;

Also, adopted Senate substitute for Assembly concurrent resolution No. 11, relative to sustaining the Federal Government.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER.

April 5th, 1862. }

Mr. PRESIDENT:—The Assembly, on the fourth instant, refused to recede from its amendments to Senate substitute for Senate bill No. 251, concerning levees in Sacramento County, and further amended the same, in which they ask the Senate to concur;

Also, on the second of April, passed Assembly bill No. 364, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year;

Also, on same day, passed Assembly bill No. 389, an Act to grant the right to construct a toll bridge across the Mokelumne River.

W. N. SLOCUM,

Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly amended amendments to Senate bill No. 251, above reported, concurred in.

Senate bill No. 20, above reported, with Assembly amendments, placed at top of file for Monday, April seventh.

Assembly bill No. 364, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 389, above reported, read first and second times, and placed on file.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Parks, for an Act granting certain lands to the United States.

Read first and second times, and referred to the Committee on Military Affairs, with instructions to report on Monday, April seventh.

By Mr. Rhodes, for an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Warmcastle, for an Act making appropriations for deficiencies made for the thirteenth fiscal year ending June thirtieth, eighteen hundred and sixty-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended, and Secretary directed to transmit the same to the Assembly forthwith.

By Mr. Banks, for an Act to authorize the Board of Managers of the Industrial School Department of the City and County of San Francisco, to grant and convey to the San Francisco and San José Railroad Company the right of way for the construction of said road over and through the land belonging to the said Industrial School Department.

Read first and second times, and placed on file.

GENERAL FILE.

Senate bill No. 229, an Act to confirm possession to lands in the City and County of San Francisco, held under Ordinance No. 882, commonly



called the Van Ness Ordinance, and to grant the interest of the City and County of San Francisco to its Pueblo lands.

Mr. Perkins moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. Shafter, De Long, and Merritt, and taken, with the following result :

AYES—MESSRS. Baker, Bogart, Harvey, Hathaway, Holden, Irwin, Lewis, Merritt, Oulton, Perkins, Porter, and Vineyard—12.

NOES—MESSRS. Banks, Burnell, Chamberlain, Crane, Denver, De Long, Gallagher, Gaskill, Harriman, Kimball, Kutz, Parks, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Warmcastle—19.

So the motion to indefinitely postpone was lost.

On motion of Mr. De Long, the bill was placed second on the file for Monday, April seventh.

Senate bill No. 78, an Act to establish a municipal or inferior Court in the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco.

Mr. Parks moved that the bill be indefinitely postponed.

Upon which, the ayes and noes were demanded, by Messrs. Perkins, Parks, and Banks, and taken, with the following result :

AYES—MESSRS. Baker, Banks, Bogart, Burnell, Denver, De Long, Gallagher, Heacock, Holden, Irwin, Kutz, Lewis, Oulton, Parks, Perkins, Vineyard, Warmcastle, and Williamson—18.

NOES—MESSRS. Chamberlain, Crane, Harvey, Hathaway, Kimball, Merritt, Powers, Rhodes, Shafter, and Soule—10.

Mr. Perkins gave notice that on Monday next he would move a reconsideration of the vote just taken.

On motion of Mr. Burnell, Senate bill No. 389, an Act to grant the right to construct and maintain a toll bridge across the Mokelumne River to P. A. Athearne and associates, was taken from the file—referred to the delegations from San Joaquin, Amador, and Calaveras Counties.

Assembly bill No. 338, an Act amendatory of and supplementary to an Act to provide for the construction of canals and for draining and reclaiming certain Swamp and Overflowed Lands in Tulare Valley—Assembly amendments concurred in.

#### REPORTS.

Mr. Perkins, from the Committee on Finance, made the following report :

MR. PRESIDENT :—Your Committee on Finance, to whom was referred Assembly bill No. 201, have had the same under consideration, and beg leave to report the same back, with amendments, and recommend its passage as amended.

DOLL,  
DENVER,  
KIMBALL.

Mr. Burnell, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 286, an Act to amend an Act for the protection of harbors ;

Also, Senate bill No. 255, an Act to transfer and legalize certain records in the County of Mono ; and find the same correctly engrossed.

BURNELL, Chairman.

Mr. Vineyard made the following report :

Mr. PRESIDENT:—The Los Angeles delegation, to whom was referred Assembly bill No. 100, an Act to amend an Act entitled an Act to regulate fees of office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty-one, have examined the same, and recommend its passage.

VINEYARD.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 5th, 1862. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 281, an Act to grant to H. J. May, Charles M. Baxter, William Kohl, and others whom they may associate with them, and their assigns, the right to lay a railroad track along certain streets in the City of Petaluma, etc. ;

Also, this day, passed Assembly bill No. 255, concerning the government of the State Library ;

Also, this day, amended and passed Senate bill No. 113, to amend an Act to authorize the Guardian of Minna C. Buchanan to sell real estate ;

Also, this day, passed Senate bill No. 131, to amend an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one ;

Also, this day, indefinitely postponed Senate bill No. 180, to repeal an Act for the protection of actual settlers ;

Also, this day, passed Senate bill No. 239, an Act for the relief of A. De Leeur ;

Also, this day, passed Assembly bill No. 311, to authorize Almira Ingham to sell real estate of Jonetta M. Ingham at private sale ;

Also, Senate bill No. 338, with amendments.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 255, above reported, read first and second times, and referred to State Library Committee.

Assembly bill No. 311, an Act to authorize Almira Ingram, the parent and Guardian of Jonetta M. Ingram, a minor, to sell the real estate of said minor at private sale, read first and second times, and referred to Judiciary Committee.

Assembly amendments to Senate bill No. 113, above reported, concurred in.

#### GENERAL FILE RESUMED.

Assembly bill No. 127, an Act amendatory of an Act to authorize the location of the town site of Crescent City, approved April

twelfth, eighteen hundred and fifty-nine—amended, read third time, and passed.

Assembly bill No. 186, an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one—amended, read third time, and passed.

Senate bill No. 251, an Act amendatory of and supplementary to an Act to create the County of Mono, to define its boundaries, etc.—rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Assembly bill No. 257, an Act to amend an Act entitled an Act to repeal the Acts incorporating the City of Benicia, etc.—read third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Shurtleff, for an Act to authorize George W. Frink to construct and maintain a wharf in the City and County of San Francisco.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Powers, for an Act to fix the times of holding the terms of the District Court of the Seventh Judicial District, in Solano County.

Read first and second times, and placed on file.

By Mr. Rhodes, for an Act to amend an Act entitled an Act to regulate descents and distributions, passed April thirteenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

Mr. Gaskill offered a concurrent resolution relative to granting leave of absence to the Sheriff of Butte County, for the period of six months.

Adopted.

On motion of Mr. Powers, at ten minutes before five o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Monday, April 7th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

#### PETITIONS.

Mr. Van Dyke presented a petition of citizens of Klamath County, for a law pertaining to the herding of sheep.

Referred to Committee on Agriculture.

Also, a remonstrance of citizens of Klamath County, against annexing a portion of said county to Humboldt County.

Placed on file.

#### REPORTS.

Mr. Chamberlain, from the Committee on Agriculture, made the following report:

MR. PRESIDENT:—The majority of the Committee on Agriculture, to whom was referred the report of the Special Committee appointed to visit the "plantation" of Col. Haraszthy, and to inspect and report on the vines imported by him, have had the same under consideration; and being instructed to report by bill or otherwise, beg leave to report *otherwise*.

Your Committee do not doubt that these vines are a valuable acquisition to the vine-growing interests of our State; that the cuttings are planted in rich soil, just four inches apart, and in rows two feet apart, (and here your Committee beg leave to suggest that four inches and a quarter would not have been too much in the one case, and that twenty-two and one half inches would have been amply sufficient in the other;) that the rooted vines are planted three feet apart; that their buds are bursting and preparing *to leave*—in fact, that some of them have already *put out*; nor do we doubt, if the State should go into the wholesale or retail vine business, as proposed, future Californians, sitting beneath their own vine, "with none to molest or make them afraid," in the rich native wines of our own State would drink to the memory of the Legislature of Sixty-Two; that the names of its members would be preserved in California champagne, and float down the tide of time like letters from a foundered ship on a literal ocean, in a bottle, or "in a horn;" nevertheless, considering that the State has done nothing that, even by implication, could make her responsible for these vines; considering that there are already, exclusive of these, about one million foreign grape vines in the State, of the choicest varieties; considering the complicated machinery that would be necessary for their distribution in case the State should purchase and assume the control over these vines, and the danger in that case that favoritism would apportion to the few what was intended for the benefit of the many; considering, that if we should thus show our willingness to worship Bacchus, our constituents might not *back us*, but accuse us of playing *roots* on them; considering, that these vines are already sufficiently advertised by the action of the Legislature in regard to them, so that private enterprise—if there is really any scarcity of or demand for choice vines—will secure their distribution; considering the state of the State Treasury, your Committee decline reporting by bill, and recommend that no action be taken in the matter.

C. H. CHAMBERLAIN,  
WM. T. LEWIS,  
WATT.

Mr. Vineyard, from the Committee on Agriculture, made the following report:

MR. PRESIDENT:—We, the undersigned, members of the Committee on Agriculture, to whom was referred the report of the committee to visit



Harazthy's Ranch, relative to the vines imported by Colonel Harazthy, having considered the same, report the same back, amended, and recommend its passage as amended.

J. R. VINEYARD,  
WILLIAM HOLDEN.

Bill above reported, read first and second times, and placed on file.

Mr. Holden moved to suspend the rules and consider the bill now.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Watt, and Oulton, and taken, with the following result:

AYES—Messrs. Baker, Bogart, Burnell, Denver, De Long, Harvey, Harriman, Hill, Holden, Irwin, Kimball, Quint, Rhodes, Shurtleff, Vineyard, and Williamson—16.

NOES—Messrs. Chamberlain, Crane, Gaskill, Hathaway, Kutz, Lewis, Merritt, Oulton, Parks, Porter, Powers, Shafter, Soule, Van Dyke, Warmcastle, and Watt—16.

Mr. Lewis, from the San Joaquin, Calaveras, and Amador delegations, made the following report:

MR. PRESIDENT:—The San Joaquin, Calaveras, and Amador delegations, to whom was referred Assembly bill No. 389, an Act to grant the right to construct and maintain a toll bridge across the Mokelumne River, to P. A. Athearn, and associates, have considered the same, report it back, and unanimously recommend its passage.

C. H. CHAMBERLAIN,  
WILLIAM T. LEWIS,  
R. BURNELL.

Mr. Van Dyke made a verbal report, recommending the passage of Senate bill No. 424, an Act granting certain lands to the United States, with amendments.

Mr. Perkins made a verbal report, reporting back Senate bill No. 22, with a substitute, and recommending the adoption of the substitute.

Substitute above reported, adopted, read first and second times, and placed on file.

Mr. Harriman, from the Placer delegation, made the following report:

MR. PRESIDENT:—The Placer delegation, to whom was referred Assembly bill No. 321, an Act to provide for the collection of delinquent taxes in the County of Placer, having had the same under consideration, report it back with amendments, and recommend its passage.

HARRIMAN.

Mr. Denver presented certain accounts of the Sergeant-at-Arms, which were referred to Committee on Contingent Expenses.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
April 7th, 1862. }

MR. PRESIDENT:—The Assembly, on March thirty-first, eighteen hun-

dred and sixty-two, passed Assembly bill No. 308, an Act to grant the right to keep and maintain a bridge across the North Fork of the American River, near Carrolton, in the Counties of Placer and El Dorado;

Also, on April second, eighteen hundred and sixty-two, passed Assembly bill No. 373, an Act to grant the right to construct a toll bridge across Cache creek, in Yolo County, at the Town of Cacheville, to certain parties therein named.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 5th, 1862. }

Mr. PRESIDENT:—The Assembly this day concurred in Senate amendments to Assembly bill No. 169, an Act concerning the militia of the State;

Also, concurred in Senate amendments to Assembly bill No. 188, concerning the indebtedness of Del Norte County;

Also, amended and adopted Senate concurrent resolution No. 49, relative to introduction of new business;

Also, passed Senate bill No. 373, to appropriate money to pay claim of Charles S. Fairfax, etc.;

Also, indefinitely postponed Senate bill No. 40, an Act granting to certain persons the right to construct a railroad in certain streets of San Francisco;

Also, passed Senate bill No. 271, to authorize the re-issue of land warrant No. 53;

Also, passed Senate bill No. 275, an Act to authorize Philip G. Galpin, Guardian, to compromise claims, and convey certain real estate;

Also, passed Senate bill No. 345, an Act to provide for the redemption of bonds issued for expenses incurred in the suppression of Indian hostilities in this State;

Also, passed Senate bill No. 395, concerning public ferries and toll bridges;

Also, on the second instant, passed Assembly bill No. 207, an Act to legalize the assessment of taxes;

Also, on the second instant, passed Assembly bill No. 285, an Act to grant to M. G. Sawyer, etc., the right to construct and maintain a toll bridge across the South Fork of the Mokelumne River;

Also, on the fifth instant, adopted Senate concurrent resolution No. 54, relative to leave of absence to County Judge of Contra Costa County;

Also, on same day, adopted Assembly concurrent resolution No. 25, relative to payment of G. T. Bouldin for services.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 207, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 373, above reported, read first and second times, and placed on file.

Assembly bill No. 308, above reported, read first and second times, and referred to El Dorado and Placer delegations.

Senate concurrent resolution No. 49, above reported, Assembly amendments concurred in.

Assembly concurrent resolution No. 25, above reported, referred to State Hospital Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Perkins, for an Act in relation to the Mountain Lake Water Company.

Read first and second times.

Mr. Shafter moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. Shafter, Gaskill, and Parks, and taken, with the following result :

AYES—Messrs. Burnell, Chamberlain, Crane, Gallagher, Gaskill, Harvey, Hill, Irwin, Kimball, Kutz, Oulton, Parks, Rhodes, Shafter, Soule, and Warneastle—16.

NOES—Messrs. Baker, Banks, Bogart, Denver, Holden, Perkins, Powers, Quint, Shurtleff, Watt, and Williamson—11.

By Mr. Holden, for an Act supplemental to an Act concerning the office of Surveyor-General of this State, approved April seventeenth, eighteen hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Rhodes, for an Act to amend an Act entitled an Act for defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty.

#### GENERAL FILE.

Assembly substitute for Senate bill No. 20, proposed amendments to the Constitution—referred to Judiciary Committee.

Senate bill No. 343, proposed amendments to the Constitution—amended so as to read as follows :

#### PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. eighteen hundred and sixty-two, propose the following amendments to section twenty-six of Article four of the Constitution.

#### ARTICLE FOUR.

Section 26. The Legislature shall not pass special or local laws in any of the following enumerated cases, that is to say :

For the punishment of crimes and misdemeanors ;

Regulating the practice in Courts of Justice ;

Regulating the jurisdiction and duties of Justices of the Peace or Constables ;

Changing, or providing for changing, the venue in civil or criminal actions ;

Granting divorces ;

Changing the names of persons, companies, or corporations ;

- For laying out, establishing, or opening, roads, streets, or alleys ;
- For vacating roads, streets, alleys, or public squares ;
- Providing for selecting, summoning, or empanelling, grand or trial jurors ;
- Regulating county business ;
- For the assessment or collection of taxes for State or County purposes ;
- For supporting Common Schools ;
- Providing for opening or conducting elections of State or County officers, or designating the places of voting ;
- Granting the right to maintain a ferry ;
- Granting the right to construct or maintain a bridge, except across waters that have been declared to be navigable ;
- Granting the right to construct or maintain a wharf ;
- Granting the right to use or occupy, for a railroad, or other purposes, a street or alley in any city or town ;
- Providing for the sale of the real or personal property belonging to any minor, or other person laboring under a legal disability, or to the estate of a deceased person, by an Executor, Administrator, Guardian, Trustee, or other person.

In all the cases enumerated in this section, and in all other cases where general laws can be applicable, all laws shall be general, and have a uniform operation throughout the State.

The rules were suspended, bill considered engrossed, and read third time.

On its passage, the roll was called, with the following result :

AYES—Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Crane, Denver, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Oulton, Parks, Perkins, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—31.

NOES—Mr. Vineyard—1.

Senate bill No. 229, an Act to confirm possession to lands in the City and County of San Francisco, held under Ordinance No. 882, commonly called the "Van Ness Ordinance," and to grant the interest of the City and County of San Francisco in and to its Pueblo lands—considered as in Committee of the Whole, reported with amendments, and made special order for April eighth, at two o'clock.

Senate bill No. 285, an Act to amend an Act entitled an Act to prohibit the erection of weirs, or other obstruction to the run of salmon, etc.—indefinitely postponed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 7th, 1862. }

MR. PRESIDENT:—The House, this day, amended and passed Senate bill No. 422, an Act making appropriations for deficiencies made for the thirteenth fiscal year ;

Also, passed Assembly bill No. 265, concerning the collection of delinquent taxes in San Bernardino County.

W. N. SLOCUM,  
Assistant Clerk.



Assembly amendments to Senate bill No. 422, above reported, were concurred in.

Assembly bill No. 265, above reported, read first and second times, and referred to the Committee on Finance.

Assembly bill No. 285, read first and second times, and referred to the Calaveras delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Parks, for an Act declaring Feather River navigable.

Read first and second times, and ordered engrossed.

By Mr. Oulton, for an Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claim of Robert Nixon, Jr.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

On motion of Mr. Quint, Senate bill No. 412 was recommitted to delegations from Tuolumne, Stanislaus, and Merced Counties.

Assembly bill No. 100, an Act to amend an Act to regulate the fees of office in the Counties of Los Angeles and Santa Barbara.

Read third time, and passed.

Senate bill No. 403, an Act to audit and allow the claim of T. J. A. Chambers.

Rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

At five o'clock, P. M., on motion of Mr. Merritt, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Tuesday, April 8th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

#### REPORTS.

Mr. Crane, from the Committee on the State Library, made the following report :

MR. PRESIDENT :—The Committee on the State Library, to whom was referred Assembly bill No. 255, an Act amendatory of an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one, having had the same under considera-

tion, report it back, without amendment, and a majority of your Committee recommend its passage.

CRANE, Chairman.

Mr. Denver, from the Committee on Finance, made the following report :

MR. PRESIDENT :—The Committee on Finance, to whom was referred Assembly bill No. 359, an Act to amend an Act entitled an Act to provide for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, have had the same under consideration, report it back, without amendment, and recommend its passage ;

Also, Senate bill No. 497, an Act to amend an Act entitled an Act to create a Board of Examiners, define their powers and duties, etc., and report back a substitute, and recommend the passage of the substitute.  
DENVER, for Committee.

The rules were suspended, and Assembly bill No. 359, above reported, read third time, and passed.

Substitute for Senate bill No. 407, above reported, adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended, and Secretary directed to transmit the same to the Assembly forthwith.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly substitute for Senate bill No. 20, amendments to the Constitution, beg leave to report—that they have had the same under consideration, and recommend the passage of the substitute ;

Also, Senate bill No. 427, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and recommend its passage ;

Also, considered Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes, and recommend its passage ;

Also, Assembly bill No. 311, an Act to authorize Almira Ingram, the parent and Guardian of Jonetta M. Ingram, a minor, to sell the real estate of said minor at private sale, and report the same back, without recommendation ;

Also, Senate bill No. 428, an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, with amendment, and recommend its passage, as amended ;

Also, Assembly bill No. 305, an Act concerning conveyances, and report it back, with an amendment, and recommend its passage, as amended ;

Also, Senate bill No. 298, an Act to amend an Act entitled an Act to regulate fees in office, passed April twenty-second, eighteen hundred and fifty, and recommend that the same be indefinitely postponed.

RHODES, Chairman.

Mr. Porter, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 338, an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, passed April eleventh, eighteen hundred and fifty-seven;

Also, Senate bill No. 156, an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one;

Also, Senate bill No. 64, an Act to authorize the Governor of the State of California to convey certain real estate;

Also, Senate bill No. 200, an Act making an appropriation for the payment of the claim of James Whitney and others, for the transportation of the property and appurtenances of the Legislature to San Francisco, and for fitting up apartments for the same;

Also, Senate bill No. 275, an Act to authorize Philip G. Galpin, Guardian, to compromise claims and convey certain real estate;

Also, Senate bill No. 36, an Act to create a Contingent Fund in the County of Solano;

Also, Senate bill No. 235, an Act in relation to the Board of Supervisors of Butte County, and concerning their powers;

Also, Senate concurrent resolution in relation to Indian affairs: and on the seventh day of April, at three o'clock, P. M., delivered the same to the Governor, for his approval;

Also, beg leave to present the following resolution, and ask its passage by the Senate:

The Assistant Enrolling Clerks of the Senate were appointed on the eighth of March, in consequence of a large amount of business in the enrolling department, necessarily required to be done; since that time they have been very busily engaged, sometimes working at night as well as during the day, and it will so continue until the end of the session. But since their appointment they have received pay for eight days only, at five dollars per day, and there is no probability of their receiving another dollar in cash for their services. Therefore, as their allowance at present is not more than three dollars per day in cash, and not commensurate with their services, they respectfully request that their per diem may be so increased as to allow them a reasonable compensation, and ask the passage of the following resolution:

*Resolved.* That the Assistant Enrolling Clerks, Assistant Engrossing Clerks, the Assistant Journal Clerk, and Clerk to the Sergeant-at-Arms, are hereby allowed the same pay as the Copying Clerks of the Senate, from the date of their appointment.

GEO. K. PORTER.

Resolution adopted.

Mr. Powers, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT:—Your Committee on Engrossment have examined Senate bill No. 430, an Act declaring Feather River navigable, and find the same correctly engrossed.

POWERS, Chairman.

Mr. Banks presented the following report from the Board of Managers of the Home for the Care of the Inebriate :

*To the Honorable the Legislature of the State of California :*

In accordance with a requirement of an Act entitled an Act appropriating moneys for the benefit of the Home for the Care of the Inebriate in the City and County of San Francisco, approved April nineteenth, A. D. eighteen hundred and sixty-one, the undersigned, President and Treasurer of the Institution named in the said Act, would respectfully present the following statement :

The amount appropriated by the said Act, and paid by the Treasurer of State on the ——— day of December last, was two thousand dollars. (\$2,000.)

When the undersigned came into office, in July last, the said "Home" was in debt in a sum considerably exceeding the amount of said appropriation, and it was very necessary that the indebtedness should be discharged. The undersigned, consequently, by authority of the Managers, on the fifteenth day of October last, borrowed from the Board of Commissioners of the Funded Debt of the City of San Francisco, the sum of one thousand eight hundred dollars, and pledged the said appropriation as collateral security therefor.

When the appropriation was paid, a large part of it went to pay said loan and interest ; but considering the loan as a part of the appropriation, the whole of the latter has been expended, as follows :

How Applied.	Amount.
To pay interest on said loan.....	\$46 20
To pay Margaret Lancaster for work at Home.....	462 50
To pay C. W. Clayton, cash advanced.....	150 00
To pay B. F. Fish & Co., for rent.....	210 00
To pay Dashaway Association, for rent... ..	110 00
To pay Wells & Co., for supplies furnished Home.....	51 75
To pay Bradshaw & Co., for supplies furnished Home.....	55 25
To pay Bryant & Hill, for supplies furnished Home .....	50 00
To pay Schenck & Co., for supplies furnished Home .....	124 50
To pay Fordham & Jennings, for supplies furnished Home....	75 00
To pay J. Chadbourne, for supplies furnished Home .....	46 65
To pay Hobbing & Co., for supplies furnished Home.....	80 65
To pay J. Armitage, for services rendered.....	100 00
To pay S. White & Brother, for supplies furnished.....	200 00
To pay Loomis & Miller, for supplies furnished.....	115 00
To pay William Horr, cash lent to Home.....	102 75
To pay Patrick O'Brien, for services .....	19 75
Total .....	\$2,000 00

All of the expenditures so made were authorized and directed by the Board of Managers of the said "Home."

All of which is respectfully submitted.

JAMES E. WAINWRIGHT, President.

M. C. BLAKE, Treasurer.

January 4th, A. D. 1862.



Subscribed and sworn to before me, this fourteenth day of January, eighteen hundred and sixty-two

WILLIAM R. SATTERLEE, [L. s.]  
Deputy County Clerk,  
City and County of San Francisco.

Mr. Burnell, from the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined, and find correctly engrossed, Senate bill No. 240, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one ;

Also, Senate bill No. 338, an Act appropriating money to pay the claim of Eugene Lies, for translating State documents.

BURNELL, Chairman.

Mr. Chamberlain made the following report :

MR. PRESIDENT :—Your Committee to whom was referred the petition of certain citizens of Klamath, for the extension of the provisions of an Act restricting the herding of sheep, approved April twenty-first, eighteen hundred and fifty-seven, over said county, and herewith report a bill in accordance with said petition, and recommend its passage.

CHAMBERLAIN, Chairman.

Also, verbal report, reporting back Senate bill No. 425, without recommendation.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 422, an Act making appropriation for deficiencies made for the thirteenth fiscal year, ending June thirtieth, eighteen hundred and sixty-two ;

Also, Senate bill No. 251, an Act concerning the repair and construction of levees in the County of Sacramento, and the mode of raising revenue therefor ;

Also, Senate bill No. 345, an Act to provide for the redemption of bonds issued for expenses incurred in the suppression of Indian hostilities in certain counties of this State ; and this day, April eighth, eighteen hundred and sixty-two, at half past eight o'clock, delivered the same to the Governor, for his approval.

PORTER, Chairman.

Mr. Soule made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred Senate bill No. 300, an Act to authorize the consolidation and fusion of certain water companies, have considered the same, are unable to agree, and the undersigned reports the same back, with an amendment, and recommends its passage.

SOULE.

Mr. Harvey made the following report :

MR. PRESIDENT :—The El Dorado and Placer delegations, to whom was

referred Assembly bill No. 308, an Act granting the right to keep and maintain a bridge across the South Fork of the American River, near Carleton, in the Counties of Placer and El Dorado, have had the same under consideration, and report the same back, with an amendment, and recommend its passage as amended.

HARVEY, for Delegation.

Bill above reported was amended, rules suspended, considered engrossed, read third time, and passed.

Mr. Harriman made the following report:

MR. PRESIDENT:—The Placer delegation, to whom was referred Assembly bill No. 210, report the same back, with an amendment, and recommend its passage.

HARRIMAN.

Assembly bill No. 210, above reported, was amended, rules suspended, considered engrossed, read third time, passed, and title amended.

Mr. Quint made the following report:

MR. PRESIDENT:—The Committee to whom was referred Senate bill No. 412, an Act to authorize the County Auditors of the Counties of Mono, Tuolumne, Stanislaus, and Merced, to issue certain bonds and provide for the construction of a road therein named, have had the same under consideration, and report it back, with an amendment, and recommend its passage as amended.

L. QUINT,  
C. H. CHAMBERLAIN,  
C. V. WILLIAMSON.

Senate bill No. 412, above reported, was referred to Senator Merritt.

#### AMENDMENTS TO THE CONSTITUTION.

On motion of Mr. Rhodes, Assembly substitute for Senate bill No. 20, amendments to the Constitution of the State of California, was taken up, and adopted, by articles, as follows:

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. 1862, adopt and agree to the following amendments to sections two, three, five, six, and thirty, of Article four of the Constitution: (which said amendments were heretofore proposed and adopted by the Legislature of said State at its twelfth session.)

#### ARTICLE FOUR.—LEGISLATIVE DEPARTMENT.

Section 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall in the interim convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.

Section 3. The members of the Assembly shall be chosen biennially by the qualified electors of their respective districts on the first Wednes-

day in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.

Section 5. Senators shall be chosen for the term of four years at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State, and of the county or district for which he shall be chosen, one year next before his election.

Section 6. The number of Senators shall not be less than one third, nor more than one half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen biennially.

Section 30. When a Congressional, Senatorial, or Assembly district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a Congressional, Senatorial, or Assembly district, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly districts, as such county may by apportionment be entitled to.

Section 39. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to Article four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby until the election and qualification of the several officers provided for in said amendments.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. 1862, adopt and agree to the following amendments to sections two, eighteen and nineteen, of Article five of the Constitution: (which said amendments were heretofore proposed and adopted by the Legislature of said State at its twelfth session.)

#### ARTICLE FIVE—EXECUTIVE DEPARTMENT.

Section 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.

Section 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General, shall be elected at the same time and places and in the same manner as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.

Section 19. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same and all matters relative thereto before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby until the election and qualification of the several officers provided for in said amendments.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. 1862, adopt and agree to

the following amendments to Article six of the Constitution: (which said amendments were heretofore proposed and adopted by the Legislature of said State at its twelfth session.)

#### ARTICLE SIX.—JUDICIAL DEPARTMENT.

Section 1. The Judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town.

Section 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.

Section 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who at their first meeting shall so classify themselves by lot, that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.

Section 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also in all cases arising in the Probate Courts; and also in all criminal cases amounting to felony, on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court, in the State, or before any Judge of said Courts.

Section 5. The State shall be divided by the Legislature of eighteen hundred and sixty-three, into fourteen Judicial Districts, subject to such alteration from time to time, by a two-thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the State for upwards of thirty consecutive days, shall be deemed to have forfeited his office.



Section 6. The District Courts shall have original jurisdiction in all cases in equity; also in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; and also in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus on petition by or on behalf of any person held in actual custody in their respective districts.

Section 7. There shall be in each of the organized counties of the State a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the City and County of San Francisco the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.

Section 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also such criminal jurisdiction as the Legislature may prescribe; they shall also have appellate jurisdiction in all cases arising in Courts held by Justices of the Peace, and Recorders, and in such inferior Courts as may be established in pursuance of section one of this Article, in their respective counties. The County Judges shall also hold in their several counties Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges shall also have power to issue writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties.

Section 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

Section 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court which may be established in pursuance of section one of this Article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.

Section 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be ex officio clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one or more Commissioners in the several counties of their respective districts, with authority to perform chamber business of the Judges of the District Courts and County Courts, and also to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

Section 12. The times and places of holding the terms of the several Courts of record shall be provided for by law.

Section 13. No judicial officer, except Justices of the Peace, Recorders, and Commissioners, shall receive to his own use any fees or perquisites of office.

Section 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.

Section 15. The Justices of the Supreme Court, District Judges, and County Judges, shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected; *provided*, that County Judges shall be paid out of the county treasury of their respective counties.

Section 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office, during the term for which they shall have been elected.

Section 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

Section 18. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

Section 19. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article six by the Legislature of eighteen hundred and sixty one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said amendments.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. 1862, adopt and agree to the following amendment to Article nine, section one, of the Constitution: (which said amendment was heretofore proposed and adopted by the Legislature of said State at its twelfth session.) Said section of said Article shall read as follows:

#### ARTICLE NINE—EDUCATION.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-three, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.

On the adoption of the amendments to Article four, the roll was called, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Chamberlain, Crane, Denver, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Pacheco, Porter, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—31.

No—Mr. Powers—1.

On the adoption of amendments to Article five, the roll was called, with the following result :

AYES—Messrs. Baker, Banks, Bogart, Crane, Denver, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Kutz, Merritt, Nixon, Parks, Pacheco, Perkins, Quint, Rhodes, Shafter, Soule, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—28.

NOES—Messrs. Chamberlain, Oulton, and Powers—3.

On the adoption of amendments to Article six, the roll was called, with the following result :

AYES—Messrs. Baker, Banks, Bogart, Chamberlain, Crane, Denver, Gallagher, Harvey, Harriman, Hathaway, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Watt—33.

NOES—None.

On the adoption of the amendments to Article nine, the roll was called, with the following result :

AYES—Messrs. Baker, Banks, Bogart, Crane, Denver, Gallagher, Harvey, Harriman, Hathaway, Hill, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Pacheco, Perkins, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—31.

NOES—None.

#### GENERAL FILE.

On motion of Mr. Rhodes, Senate bill No. 428 was taken up, amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Assembly bill No. 201, an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of Chinese into the State of California, was taken up, considered in Committee of the Whole, and its further consideration made special order for April ninth, at two o'clock, P. M.

Senate bill No. 356, an Act to cede certain property of the State of California to the Territory of Nevada—ordered to top of file for April ninth.

#### SPECIAL ORDER.

Senate bill No. 229, an Act relative to outside lands of San Francisco.

Mr. Merritt offered the following amendment :

Strike out "two thousand" wherever it occurs in the fourth subdivision of sixth section, and insert "five thousand."

Upon the adoption of the above amendment, the ayes and noes were demanded, by Messrs. Merritt, Perkins, and Parks, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Hathaway, Hill, Holden, Irwin, Lewis, Merritt, Perkins, Quint, Vineyard, and Watt—12.

NOES—Messrs. Banks, Burnell, Chamberlain, Denver, Harvey, Harri-

man, Kutz, Nixon, Oulton, Parks, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Warmcastle—17.

Mr. Merritt offered the following amendment :

"Section Thirty-Two. The Commissioners shall not organize and transact any business until it shall be determined by the District or Supreme Court of the United States that the City of San Francisco is entitled to Pueblo lands, and the limits defined."

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Perkins, and Quint, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Harvey, Holden, Irwin, Merritt, Nixon, Perkins, Quint, Vineyard, and Williamson—11.

NOES—Messrs. Banks, Burnell, Chamberlain, Denver, De Long, Harri-  
man, Hathaway, Kutz, Oulton, Parks, Porter, Powers, Rhodes, Shafter,  
Soule, Shurtleff, Van Dyke, and Watt—18.

Mr. Parks moved to suspend the rules, and consider the bill engrossed.

Upon which the ayes and noes were demanded, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Denver, Harvey, Harri-  
man, Hathaway, Kutz, Nixon, Oulton, Parks, Porter, Powers, Rhodes,  
Shafter, Soule, Van Dyke, Warmcastle, and Watt—19.

NOES—Messrs. Baker, Bogart, De Long, Heacock, Holden, Irwin,  
Merritt, Perkins, Quint, Shurtleff, Vineyard, and Williamson—12.

The bill was ordered engrossed, and read third time.

#### GENERAL FILE RESUMED.

Senate bill No. 412, an Act to authorize the County Auditors of the Counties of Mono, Tuolumne, Stanislaus, and Merced, to issue certain bonds, etc.—amended, rules suspended, considered engrossed, read third time, and passed, and title amended.

Assembly bill No. 389, an Act to grant the right to construct and maintain a toll bridge across the Mokelumne River to J. A. Athearn, and associates—read third time, and passed.

Mr. Gaskill was granted leave of absence for one day.

#### INTRODUCTION OF BILLS

Bills were introduced as follows :

By Mr. Lewis, for an Act to appropriate a sum of money to prosecute the right of the State in escheated estates.

Read first and second times, and referred to Judiciary Committee, with instructions to report to-morrow.

By Mr. Holden, for an Act to authorize and require the Board of Supervisors of the County of Alameda to pay certain claims.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

By Mr. Burnell, for an Act to amend an Act to extend the provisions of an Act concerning hogs found running at large in the Counties of Marin, Sacramento, etc.



Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

By Mr. Denver, for an Act to define the meaning of certain terms used in the revenue laws of this State.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Irwin offered the following resolution :

*Resolved*, That William McCoy be and he is hereby allowed per diem as Porter of the Senate from the sixth day of January to the fifth day of February, eighteen hundred and sixty-two, inclusive, and the Controller is hereby authorized to draw his warrant on the Treasury for the same.

Adopted.

#### GENERAL FILE RESUMED.

Assembly bill No. 238, an Act to give further powers to the Board of Supervisors of the City and County of San Francisco—read third time, and passed.

Assembly bill No. 225, an Act to regulate the proceedings of the Board of Supervisors of the County of San Diego, and to define their duties—read third time, and passed.

Assembly bill No. 272, an Act to authorize Robert G. Arthur, his associates or assigns, to construct and keep in repair certain roads upon the San Miguel Rancho and adjoining property, in the City and County of San Francisco, and to levy and collect tolls thereon—was read third time, and passed.

Assembly bill No. 328, an Act to amend an Act approved February nineteenth, eighteen hundred and sixty-two, to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements—was read third time, and passed.

Assembly bill No. 332, an Act for the relief of Oliver & Lewis—was read third time, and passed.

Assembly bill No. 277, an Act to authorize Hiram Thorne and others to reconstruct and make a wagon road in the Counties of Contra Costa and Alameda—was amended, read third time, and passed.

#### REPORTS.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Senate bill No. 291, an Act to pay the costs in the prosecution of the State against Horace Smith, beg leave to report—that they have had the same under consideration, and after a great deal of labor and careful deliberation, they find that the amount, in aggregate, which the State is by law or equity bound to pay, is one thousand two hundred and five dollars and fifty-five cents, and they accordingly report the said bill back, with a substitute, and recommend the passage of the substitute.

RHODES, Chairman.

Mr. Heacock, from the Sacramento delegation, made the following report :

Mr. PRESIDENT:—The Sacramento delegation, to whom was referred Senate bill No. 146, have had the same under consideration, and report the same back, with amendments, and recommend its passage, as amended.

HEACOCK,  
NIXON.

Senate bill No. 146, above reported, amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

At half past five o'clock, P. M., on motion of Mr. Irwin, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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### IN SENATE.

SENATE CHAMBER,  
Wednesday, April 9th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Crane was granted indefinite leave of absence.

Mr. Banks, by unanimous consent, introduced a bill for an Act to change the name of Meyer Ciechanowiecki.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

### REPORTS.

Mr. Rhodes, from the Judiciary Committee, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 410, have had the same under consideration, and report it back, with a substitute, and recommend the passage of the substitute.  
A. L. RHODES, Chairman.

Substitute for Senate bill No. 410, above reported, read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Van Dyke, from the Committee on Military Affairs, made the following report:

Mr. PRESIDENT:—Your Committee on Military Affairs, to whom was referred Senate bill No. 183, an Act authorizing the State Treasurer to issue war bonds to A. W. Bee, having had the same under consideration,

report it back, with a substitute, and recommend the passage of the substitute.

VAN DYKE, Chairman.

Mr. Hill made a verbal report, recommending the passage of Assembly concurrent resolution No. 25, with an amendment.

Resolution above reported, amended, and adopted.

Mr. Shafter made a verbal report, recommending passage of Assembly bill No. 154, with amendments, and the indefinite postponement of Senate bills Nos. 42, 43, 353, and 367.

Assembly bill No. 154, above reported, amended, read third time, and passed.

Senate bill No. 42, above reported, was indefinitely postponed.

Senate bill No. 43, above reported, was indefinitely postponed.

Senate bill No. 353, above reported, was indefinitely postponed.

Senate bill No. 367, above reported, was indefinitely postponed.

Mr. Hathaway, from the San Francisco delegation, made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 254, have had the same under consideration, and ask leave to report the same back, with amendments, and recommend its passage, as amended.

HATHAWAY, for Delegation.

Senate bill No. 254, above reported, amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 8th, 1862.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 220, an Act amendatory and supplemental to an Act entitled an Act concerning the office of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation, for the County of El Dorado, approved April thirteenth, A. D. eighteen hundred and sixty, and amendatory of an Act entitled an Act amendatory and supplemental to an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation for the County of El Dorado, approved April thirtieth, A. D. eighteen hundred and sixty, approved April ninth, A. D. eighteen hundred and sixty-one;

Also, Senate bill No. 278, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Coloma, in the County of El Dorado;

Also, Senate bill No. 199, an Act to grant to E. P. Bowman and his associates, the right to construct and maintain a toll bridge across the Cosumnes River, in the Counties of Amador and El Dorado;

Also, Senate bill No. 237, an Act to authorize Joshua Hendy, H. B.

Tichenor, and Robert G. Byxbee to construct a wharf at the mouth of the Navarro River, in Mendocino County;

Also, Senate bill No. 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof;

Also, Senate bill No. 29, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto;

Also, Senate bill No. 101, an Act amendatory of and supplemental to an Act entitled an Act to authorize married women to transact business in their own name, as sole traders, passed April twelfth, eighteen hundred and sixty-two;

Also, Senate bill No. 194, an Act supplementary to an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight;

Also, Senate bill No. 164, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty;

Also, Senate bill No. 238, an Act to grant to James H. and Charles J. Deering the right to construct and maintain a bridge or bridges across the Tuolumne River;

Also, Senate bill No. 279, an Act relating to the City Cemetery of the City of Sacramento;

Also, Senate bill No. 69, an Act for the punishment of contempts and trespasses;

Also, Senate bill No. 205, an Act to authorize and empower Joshua Hendy, H. B. Tichenor, and Robert G. Byxbee, to construct and maintain booms in the Navarro River, in the County of Mendocino;

Also, Senate bill No. 226, an Act to amend an Act entitled an Act to regulate fees in office in certain counties in this State;

Also, Senate bill No. 262, an Act to amend an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' license taxes, in said county, approved February twenty-sixth, eighteen hundred and fifty-nine;

Also, Senate bill No. 190, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 318, an Act to amend an Act entitled an Act to incorporate the City of San José, passed March sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 109, an Act to authorize the construction of a wharf at a point designated upon the southerly bank of the San Joaquin River;

Also, Senate bill No. 315, an Act supplementary and amendatory of an Act entitled an Act in relation to public roads in the County of El Dorado, and the Road Fund of said county, approved February twenty-seventh, eighteen hundred and sixty-two;

Also, Senate bill No. 268, an Act granting certain privileges to citizens of Grass Valley, Nevada County;

Also, Senate bill No. 225, an Act for the relief of W. J. Paugh, late Sheriff of the County of Amador;

Also, Senate bill No. 319, an Act to provide for the retention of the hides of cattle killed or slaughtered in San Mateo County.

LELAND STANFORD, Governor.



STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
 Sacramento, April 8th, 1862. }

*To the Honorable the Senate of California:*

I herewith transmit to your honorable body a copy of the correspondence between the Executive of this State and the Secretary of State of the United States, relative to the harbor defences of the City of San Francisco.

[Telegraphic.]

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. }  
 Sacramento, March 25th, 1862. }

*To Hon. Wm. H. Seward, Secretary of State, Washington, D. C.:*

DEAR SIR:—I am directed by a concurrent resolution of the Legislature, to transmit to you the following resolution:

"*Resolved*, That the Governor be and he is hereby requested, immediately to telegraph to the Secretary of State of the United States, to ascertain whether, in the opinion of the Federal Administration, our foreign relations are at present such as to make it necessary or expedient that California should take active measures towards putting the harbor of San Francisco in a state of defence."

LELAND STANFORD, Governor.

[Answer.]

WASHINGTON, April 2d. }  
 Received April 8th, 1862. }

*To His Excellency, Leland Stanford, Governor of California:*

The present aspect of our foreign relations is pacific, but the President remains of the opinion heretofore so often expressed, that while this civil war actively continues, there may be foreign aggressions. No important part or portion of the United States ought to be left exposed. One or two iron-clad steamers at San Francisco, would assure its safety at small expense.

WM. H. SEWARD.

The above correspondence is respectfully submitted to your honorable body.

LELAND STANFORD, Governor.

The above message was referred to the Committee on Military Affairs, with instructions to report to-morrow.

#### MESSAGES FROM THE ASSEMBLY

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
 April 7th, 1862. }

MR. PRESIDENT:—The House this day concurred in Senate amendments to Assembly bill No. 186, an Act to amend an Act concerning jurors;

Also, concurred in Senate amendments to Assembly bill No. 127, concerning the site of Crescent City;

Also, passed Senate bill No. 334, an Act concerning hogs running at large in Tulare County;

Also, passed Senate bill No. 330, fixing the salary of the County Auditor of Tulare County

Also, passed Senate bill No. 324, an Act to grant the right to construct a toll bridge across Bear River;

Also, passed Senate bill No. 329, an Act to make county warrants receivable in payment of taxes in Tulare County;

Also, on the fifth of April passed Assembly bill No. 425, concerning the collection of road poll taxes in Contra Costa County;

Also, on the third of April passed Assembly bill No. 362, concerning roads and highways in the County of Placer.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER,

April 8th, 1862. }

Mr. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 299, an Act to deprive traitors and aiders of treason, of the rights of citizenship in this State, for the confiscation of the property of such traitors, and for the surrender of their persons and property to the United States, on requisition by the Federal authorities;

Also, on the seventh of April passed Assembly bill No. 268, an Act concerning the office of District Attorney of Los Angeles County;

Also, to-day passed Assembly bill No. 424, an Act to appropriate money for the improvement of the State Insane Asylum.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER,

April 8th, 1862. }

Mr. PRESIDENT:—The Assembly, on the twenty-sixth of March, passed Assembly bill No. 301, amendatory of an Act to reincorporate the City of Oakland.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 362, above reported, read first and second times, and referred to Placer delegation.

Assembly bill No. 425, above reported, read first and second times, and referred to Contra Costa delegation.

Assembly bill No. 299, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 268, above reported, read first and second times, and referred to Los Angeles delegation.

Assembly bill No. 424, above reported, read first and second times, and referred to State Hospital Committee, with instructions to report April eleventh.

Assembly bill No. 301, above reported, read first and second times, and referred to Alameda delegation.

#### FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,

April 9th, 1862. }

Mr. PRESIDENT:—The Assembly, on the eighth instant, passed Senate substitute for Senate bill No. 348, an Act to authorize the Register of the State Land Office to issue duplicate certificates of purchase to School or Swamp and Overflowed, Marsh and Tide Lands, when the originals have been lost or destroyed;

Also, on same day, passed Assembly bill No. 438, an Act supplementary to an Act entitled an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by Act of Congress;

Also, on the same day, passed Assembly bill No. 439, an Act to provide for the publication and distribution of the Laws of eighteen hundred and sixty-two, relating to revenue, etc.;

Also, on same day, passed Assembly bill No. 440, an Act to amend an Act to provide for the establishment, maintenance, and protection, of public and private roads;

Also, on same day, adopted Assembly concurrent resolution No. 28, relative to enrolment of constitutional amendments;

Also, on same day, adopted Assembly concurrent resolution No. 29, granting leave of absence to John S. Ellis, Sheriff of the City and County of San Francisco;

Also, on same day, passed Assembly concurrent resolution No. 31, relative to public printing;

Also, this day, passed Senate bill No. 57, an Act appropriating money for the benefit of certain Orphan Asylums in this State.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 438, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 439, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 440, above reported, read first and second times, and placed on file.

Assembly concurrent resolution No. 28, above reported, was concurred in.

Assembly concurrent resolution No. 29, above reported, was concurred in.

Assembly concurrent resolution No. 31, above reported, was concurred in.

Mr. Oulton, by unanimous consent, introduced a bill for an Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, to the vote of the qualified electors at the next general election.

Read first and second times, and referred to the Judiciary Committee.

Mr. Porter moved that the rules be suspended, in order that he might introduce a bill.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Harriman, and Williamson, and taken, with the following result:

AYES—Messrs. Baker, Bogart, Denver, Hathaway, Heacock, Hill, Holden, Irwin, Merriitt, Nixon, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Williamson—17.

NOES—Messrs. Chamberlain, De Long, Harvey, Harriman, Kimball, Kutz, Lewis, Parks, Pacheco, Vineyard, and Watt—11.

Senate bill No. 356, an Act to cede certain territory of the State of California to the Territory of Nevada.

On the indefinite postponement of the bill, the ayes and noes were

demande by Messrs. Parks, Williamson, and Oulton, and taken, with the following result :

AYES—Messrs. Banks, Bogart, De Long, Gaskill, Harvey, Harriman, Hathaway, Holden, Kimball, Kutz, Lewis, Nixon, Oulton, Pacheco, Quint, Rhodes, Shafter, Soule, Shurtleff, and Watt—20.

NOES—Messrs. Baker, Burnell, Chamberlain, Hill, Irwin, Parks, Perkins, Vineyard, Warmcastle, and Williamson—10.

Mr. Quint, from the Committee on Engrossment, made the following report :

MR. PRESIDENT:—The Committee on Engrossment have examined and found correctly engrossed, Senate bill No. 412, an Act to authorize the County Auditors of the Counties of Mono, Tuolumne, and San Joaquin, to issue certain bonds, and provide for the construction of a road therein named.

L. QUINT, of Committee.

The Engrossing Clerk inserted the word "Monday" in the eleventh line of section seven, and the word "presence" in the twelfth line of section nine.

Concurred in by the Senate.

#### SPECIAL ORDER.

Assembly bill No. 291, an Act to protect free white labor against competition with Chinese coolie labor, and to discourage Chinese immigration into the State of California—considered in Committee of the Whole, and reported with amendments.

Mr. Oulton moved the previous question.

Carried.

Amendments of Committee of the Whole adopted, and bill read a third time, by the following vote : the ayes and noes being demanded by Messrs. Baker, Parks, and Heacock :

AYES—Messrs. Banks, Chamberlain, Denver, De Long, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Irwin, Kimball, Kutz, Lewis, Nixon, Oulton, Shurtleff, Van Dyke, Watt, and Williamson—20.

NOES—Messrs. Baker, Bogart, Burnell, Hill, Holden, Merritt, Parks, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, and Vineyard—14.

The Chair (Mr. Van Dyke) decided that the previous question extended to the passage of the bill.

Mr. Burnell appealed from the decision.

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Perkins, De Long, and Watt, and taken, with the following result :

AYES—Messrs. Banks, Denver, De Long, Gallagher, Gaskill, Harvey, Harriman, Heacock, Irwin, Kimball, Lewis, Nixon, Oulton, Shurtleff, Vineyard, Watt, and Williamson—17.

NOES—Messrs. Baker, Bogart, Burnell, Chamberlain, Hathaway, Hill, Holden, Kutz, Merritt, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Warmcastle—17.



On the passage of the bill, Messrs. Merritt, Oulton, and Gallagher, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Chamberlain, Denver, Gallagher, Harriman, Hathaway, Heacock, Irwin, Kimball, Kutz, Nixon, Oulton, Perkins, Shurtleff, Van Dyke, Watt, and Williamson—16.

NOES—Messrs. Bogart, Hill, Holden, Merritt, Powers, Rhodes, Shafter, and Vineyard—8.

Mr. Perkins gave notice of reconsideration.

Mr. Powers, from the Committee on Engrossed Bills, made the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate bill No. 229, an Act to confirm possession to lands in the City and County of San Francisco, held under Ordinance No. 822, commonly called the "Van Ness Ordinance," and to grant the interest of the City and County of San Francisco in and to its Pueblo lands, and find the same correctly engrossed.

POWERS, for Committee.

Senate bill No. 229, above reported, was amended by unanimous consent, and read third time.

Mr. Shurtleff gave notice of reconsideration of vote by which Senate bill No. 356 was indefinitely postponed.

On motion of Mr. Watt, at half past five o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, April 10th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Quint was granted one day's leave of absence, and Mr. Doll indefinite leave.

## REPORTS.

Mr. Chamberlain made a verbal report, reporting back Assembly bill No. 135, an Act for the protection of growing timber on possessory claims and other private property, in certain counties, etc., without recommendation.

Mr. Shafter made a verbal report, reporting back the Governor's Mes-

sage in relation to our foreign relations, and recommending that no action be taken on the subject.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 299, an Act to deprive traitors and aiders of treason of the rights of citizenship in this State, for the confiscation of the property of such traitors, and for the surrender of their persons and property to the United States, on requisition by the Federal authorities, beg leave to report that they have had the same under consideration, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 149, an Act in relation to liens of mechanics and others, and report it back, without recommendation;

Also, Assembly bill No. 207, an Act to legalize the assessment of taxes for the fiscal year ending on the first day of March, eighteen hundred and sixty-two, in the several counties of this State, and recommend its passage;

Also, Assembly bill No. 261, an Act to organize townships and regulate their powers and duties, and submit the same to the vote of the people, and report the same back, with an amendment, and recommend its passage as amended;

Also, Senate bill No. 432, an Act supplemental to an Act concerning the office of Surveyor-General, approved April seventeenth, eighteen hundred and fifty, and recommend its passage;

Also, Senate bill No. 416, an Act authorizing Adam G. Muirhead, Executor of the estate of John Muirhead, deceased, to sell real estate, and report it back, without recommendation;

Also, Senate bill No. 436, an Act to appropriate a sum of money to prosecute the rights of the State in escheated estates, and recommend its indefinite postponement;

Also, Senate bill No. 434, an Act to amend an Act entitled an Act to regulate descents and distributions, and recommend its passage;

Also, Senate bill No. 297, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, and recommend its indefinite postponement;

Also, Senate bill No. 441, an Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, to the votes of the qualified electors at the next general election, and report the same back, with an amendment, and recommend its passage as amended;

Also, Senate bill No. 399, an Act concerning records in certain cases, and recommend its indefinite postponement;

Also, Senate bill No. 327, an Act to provide for the issuance of patents on certain land, etc., and recommend its indefinite postponement;

They have also duly considered the petition of the Grand Jurymen of Mendocino County, in relation to white men cohabiting with squaws, and praying this Legislature to remedy the evil; the Committee are of opinion that as long as "flesh is weak" and "temptation strong," the evil cannot be remedied;

Also, Senate bill No. 124, an Act concerning apprentices, and report the same back, without recommendation;

Also, Senate resolution, relative to surveys, and report it back, without recommendation.

A. L. RHODES, Chairman.

Senate bill No. 441, above reported, amended, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Perkins, from the Committee on Finance, made the following reports :

Mr. PRESIDENT :—The Committee on Finance, to whom was referred Assembly bill No. 438, having had the same under consideration, report the same back, and recommend its passage ;

Also, Assembly bill No. 439, and report the same back, and recommend its passage.

PERKINS, Chairman.

Mr. PRESIDENT :—The Committee on Finance, to whom was referred Senate bill No. 383, have had the same under consideration, report the same back, and recommend its indefinite postponement ;

Also, Senate bill No. 364, report the same back, and recommend its indefinite postponement.

PERKINS, Chairman.

Mr. Crane made the following report :

Mr. PRESIDENT :—The undersigned, to whom was referred Assembly bill No. 301, an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain Acts in relation to said city, begs leave to report—that he has had the same under consideration, and herewith reports the same back, without amendment, and recommends its passage  
A. M. CRANE.

Mr. Denver, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 437, an Act to define the meaning of certain terms in the revenue laws of this State, and at eleven o'clock, A. M. on this day, delivered the same to the Governor, for his approval.

DENVER, for Committee.

Mr. Warmcastle, from the Contra Costa delegation, made the following report :

Mr. PRESIDENT :—The Contra Costa delegation, to whom was referred Assembly bill No. 425, have had the same under consideration, report it back, and recommend its passage.

WARMCASTLE.

Assembly bill No. 425, above reported, read third time, and passed.

Mr. Hill, from the Committee on State Hospitals, made the following report :

Mr. PRESIDENT :—Your Committee on State Hospitals, to whom was referred Assembly bill No. 424, an Act to appropriate money for improvements of the State Insane Asylum, have had the same under consideration, report the same back, without recommendation, and suggest that

it be made the special order for Saturday next, at twelve m., together with Senate bill No. 221.

HILL, for Committee.

Bills above reported were made the special order for April twelfth, at twelve o'clock, m.

Mr. Harriman made the following report :

MR. PRESIDENT:—The Placer delegation, to whom was referred Assembly bill No. 362, an Act concerning roads and highways in the County of Placer, have had the same under consideration, and report it back, and recommend its passage.

HARRIMAN.

Assembly bill No. 362, above reported, read third time, and passed.

Mr. Shafter made a verbal report, recommending indefinite postponement of Senate bill No. 332, an Act granting the right to construct a street railroad in San Francisco.

Mr. Denver made a verbal report, recommending concurrence in Assembly amendments to substitute for Senate bill No. 147, an Act amending the Revenue Law.

Substitute for Senate bill No. 147, above reported, taken up, and Assembly amendments concurred in.

Mr. Heacock, by leave of three fourths of the Senators present, introduced a bill for an Act amendatory of an Act, passed May eighteenth, eighteen hundred and sixty-one, entitled an Act concerning roads and highways in the County of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Messrs. Crane and Rhodes were appointed Committee on Enrolment of the amendments to Constitution, on the part of the Senate, in accordance with concurrent resolution adopted yesterday.

#### GENERAL FILE.

Senate bill No. 430, an Act declaring Feather River navigable—read third time.

On its passage, the ayes and noes were demanded, by Messrs. Gaskill, Watt, and Burnell, and taken, with the following result :

AYES—MESSRS. Baker, Banks, Bogart, Burnell, Chamberlain, Gaskill, Harvey, Heacock, Hill, Holden, Merritt, Nixon, Oulton, Parks, Pacheco, Powers, Rhodes, Soule, Shurtleff, and Warmcastle—20.

NOES—MESSRS. Harriman, Hathaway, Irwin, Lewis, Porter, Watt, and Williamson—7.

Mr. Gaskill gave notice of reconsideration.

Senate bill No. 255, an Act legalizing certain records in Mono County.

Mr. Gaskill moved that the bill be indefinitely postponed.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Powers, and Williamson, and taken, with the following result :

AYES—MESSRS. Banks, Burnell, Chamberlain, Crane, Denver, Harvey, Harriman, Hill, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Pacheco,



Perkins, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Watt—23.

NOES—Messrs. Baker, Hathaway, Holden, Irwin, Kimball, Vineyard, and Williamson—7.

Mr. Doll was excused from voting.

Mr. Rhodes gave notice that he would move a reconsideration of the vote just taken.

Senate bill No. 229, an Act to confirm possession to lands in the City and County of San Francisco, held under Ordinance No. 822, commonly called the "Van Ness Ordinance," and to grant the interest of the City and County of San Francisco in and to its Pueblo lands.

By unanimous consent, it was amended, by striking out "first of January, eighteen hundred and sixty-two," and inserting "tenth of April, eighteen hundred and sixty-two," wherever it occurs in section six.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Merritt, Perkins, and Burnell, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Gaskill, Hathaway, Kimball, Kutz, Lewis, Parks, Perkins, Powers, Rhodes, Shafter, Soule, and Van Dyke—15.

NOES—Messrs. Baker, Bogart, Crane, Harvey, Holden, Irwin, Merritt, Nixon, Pacheco, Shurtleff, Vineyard, and Williamson—12.

Mr. Perkins gave notice that he would move a reconsideration of the vote just taken.

Assembly bill No. 214, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto—considered as in Committee of the Whole, and reported, without amendment.

Mr. Hathaway then moved to amend, by adding the following additional section :

"Section 8. This Act shall not be of any effect until the Board of Supervisors of the City and County of San Francisco shall have passed an ordinance accepting and confirming the provisions of the same, and the said Board of Supervisors are hereby authorized and empowered to pass such ordinance of acceptance and confirmation, whereupon this Act shall take effect immediately."

Upon which, the ayes and noes were demanded, by Messrs. Hathaway, Irwin, and Watt, and taken, with the following result :

AYES—Messrs. Baker, Banks, Chamberlain, Crane, Denver, Hathaway, Irwin, Oulton, Rhodes, and Shurtleff—10.

NOES—Messrs. Bogart, Gallagher, Harvey, Harriman, Holden, Merritt, Perkins, Porter, Powers, Shafter, Soule, Vineyard, Watt, and Williamson—14.

Mr. Banks then offered the following amendment to section four :

After the word "final," sixteenth line, insert "the Board of Supervisors of the City and County of San Francisco shall have power to prescribe, by order, the terms and conditions on which said conveyances

shall be made, and no conveyance shall be delivered to any petitioner until said Board of Supervisors shall have approved the same."

Upon which, the ayes and noes were demanded, by Messrs. Banks, Van Dyke, and Irwin, and taken, with the following result:

AYES—Messrs. Banks, Chamberlain, Denver, Hathaway, Irwin, and Vineyard—6.

NOES—Messrs. Bogart, Crane, Gallagher, Harvey, Holden, Merritt, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Watt, and Williamson—16.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Hathaway, Porter, and Merritt, and taken, with the following result:

AYES—Messrs. Burnell, Crane, Gallagher, Harvey, Holden, Kimball, Merritt, Perkins, Porter, Powers, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Watt, and Williamson—17.

NOES—Messrs. Baker, Banks, Chamberlain, Denver, Harriman, Hathaway, Irwin, and Oulton—8.

Mr. Oulton moved a reconsideration of the vote by which Assembly bill No. 201, an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into the State of California, was passed on yesterday.

On motion of Mr. Burnell, the motion to reconsider was made the special order for to-morrow, at three o'clock, P. M.

#### GENERAL FILE RESUMED.

Senate bill No. 126, an Act to transfer the boys and youth in the State Reform School to the Industrial School at San Francisco, and for other purposes connected therewith—was laid on the table.

Senate bill No. 360, an Act to alter and define the northern boundary line of Tehama County—laid on the table.

Senate bill No. 215, an Act to amend an Act entitled an Act to authorize the construction of certain wharves, approved February twenty-first, eighteen hundred and fifty-nine—was placed at foot of the file.

Assembly bill No. 369, an Act to authorize David J. Beasley to construct and maintain a wharf at a point known as James McConnell's Landing, (and now owned by the said David J. Beasley,) in the County of Mendocino, two and a half miles south of Fish Rock—was laid on the table.

Assembly bill No. 312, an Act to repeal an Act entitled an Act to repeal so much of an Act entitled an Act supplementary to an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirteenth, eighteen hundred and sixty, approved March third, eighteen hundred and sixty-one—was laid on the table.

Senate bill No. 363, an Act to provide for the change of the name of James Fitzpatrick—was indefinitely postponed.

Assembly bill No. 20, an Act to provide for the collection of the delinquent road tax in the County of San Mateo—was indefinitely postponed.

Assembly bill No. 21, an Act to provide for the levying and collection of a special road tax in San Mateo County—was indefinitely postponed.

Senate bill No. 39, an Act concerning Swamp, Marsh, and Tide Lands, etc.—was indefinitely postponed.

Senate bill No. 409, an Act to provide for the purchase of Labatt's Digest—was indefinitely postponed.

Senate bill No. 380, an Act amending the Act authorizing the Guardian or Guardians of certain minors to sell real estate, etc.—was indefinitely postponed.

Senate bill No. 418, an Act amendatory of the Act repealing the several charters of the City of San Francisco, etc.—was indefinitely postponed.

Senate bill No. 98, and substitute, an Act authorizing Eugene L. Sullivan and others to lay down gas pipes in San Francisco—was indefinitely postponed.

Assembly bill No. 294, an Act to authorize Rita de la Osa to sell the real estate of her husband, etc.—was indefinitely postponed.

Assembly bill No. 334, an Act to authorize the Executor of the estate of Samuel Criswell, deceased, to sell real estate at public or private sale—was indefinitely postponed.

Assembly bill No. 73, an Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco—was read third time, and passed.

Assembly bill No. 258, an Act to amend an Act approved March fourth, eighteen hundred and fifty-seven, entitled an Act to amend an Act to incorporate the City of Monterey, approved May eleventh, eighteen hundred and fifty-three—was read third time, and passed.

Assembly bill No. 287, an Act to amend an Act abolishing the office of County Assessor, and establishing the office of Township Assessors in the County of Calaveras, approved April twenty-eighth, eighteen hundred and sixty, and to define their duties, and the duties of the other officers connected with the collection and disbursement of the revenue of said county more clearly—was read third time, and passed.

Assembly bill No. 331, an Act to authorize the issuance of a certain duplicate bond to Iredell M. Hart—was read third time, and passed.

Assembly bill No. 353, an Act to create and organize a fire department in the Town of Mokelumne Hill, in Calaveras County—was read third time, and passed.

Assembly bill No. 40, an Act for the relief of William P. Sayward—was read third time, and passed.

Assembly bill No. 337, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money—was read third time, and passed.

Senate bill No. 276, an Act concerning melodeons and other places of public amusement.

Mr. Irwin moved that the bill be indefinitely postponed.

Upon which, the ayes and noes were demanded, by Messrs. Vineyard, Williamson, and Soule, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Crane, Denver, Irwin, Lewis, Porter, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—12.

NOES—Messrs. Banks, Burnell, Chamberlain, Gaskill, Harvey, Harri-man, Hathaway, Heacock, Kutz, Oulton, Parks, Powers, Rhodes, Shaf-ter, Soule, and Van Dyke—16.

The bill was then ordered to be engrossed, and read third time.

Senate bill No. 311, an Act concerning the duties of the County Treasurer of the County of San Diego—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, passed, Forty-Fifth Rule suspended, and Secretary directed to transmit to Assembly.

Assembly bill No. 279, an Act to provide for funding the indebtedness of Mendocino County—amended, read third time, and passed.

Assembly bill No. 194, an Act making an appropriation for the payment of the per diem and mileage of Presidential Elector—amended, read third time, and passed.

Assembly bill No. 240, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco—amended, read third time, and passed.

Assembly bill No. 306, an Act to authorize Charles C. Bowman and associates to construct a wharf at the western end of the Encinal of San Antonio, in Alameda County—amended, read third time, and passed.

Assembly bill No. 94, an Act concerning salaries and fees of office in the County of Monterey—amended, read third time, and passed.

Senate bill No. 304, an Act to provide for street railroads in the City and County of San Francisco.

Mr. Banks moved to suspend the rules, and consider the bill engrossed.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Oulton, and Powers, and taken, with the following result :

AYES—MESSRS. Banks, Bogart, Burnell, Chamberlain, Gaskill, Harri-  
man, Hathaway, Heacock, Kutz, Oulton, Parks, Powers, Rhodes, Shaf-  
ter, Soule, Shurtleff, and Van Dyke—17.

NOES—MESSRS. Baker, Crane, Irwin, Lewis, Perkins, Porter, Vineyard,  
Warmcastle, and Williamson—9.

So the motion was lost, and the bill was ordered engrossed and read a third time.

Senate bill No. 117, an Act making an appropriation for the payment of the claim of J. C. Doherty, for services, etc.—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time and passed.

Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County, etc.—made special order for Saturday, April twelfth, at two o'clock, P. M.

Senate bill No. 389, an Act for the payment of expenses incurred by S. G. Whipple, in enrolling volunteers to serve as guides to United States troops, etc.—Senate refused to order engrossed.

Mr. Vineyard, from the Los Angeles delegation, made the following report :

MR. PRESIDENT:—The Los Angeles delegation, to whom was referred Assembly bill No. 268, an Act concerning the office of District Attorney of Los Angeles County, have considered the same, and recommend its passage.

J. R. VINEYARD.

Senate bill No. 268, above reported, read third time and passed.

Senate bill No. 420, an Act to repeal an Act to regulate fees of certain



officers in Calaveras County—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Assembly bill No. 153, an Act to appropriate money to sustain a mounted battery of artillery in the City of San Francisco—amended.

On its passage, the ayes and noes were demanded, by Messrs. Denver, Rhodes and Irwin, and taken, with the following result :

**AYES**—Messrs. Banks, Chamberlain, Gaskill, Harriman, Hathaway, Heacock, Nixon, Perkins, Porter, Powers, Shafter, Soule, Shurtleff, and Van Dyke—14.

**NOES**—Messrs. Baker, Bogart, Burnell, Denver, Irwin, Kutz, Parks, Rhodes, Vineyard, and Warmcastle—10.

Senate bill No. 294, an Act to authorize Eugene L. Sullivan, Nathaniel Holland, etc., to lay down gas pipes in San Francisco—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Senate bill No. 341, an Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for an electro-magnetic fire alarm telegraph, etc.—laid on table.

Assembly bill No. 99, an Act to divide the Eleventh Judicial District, etc.—placed at top of file for to-morrow.

Mr. Shurtleff moved to reconsider the vote by which Senate bill No. 356, ceding certain territory to Nevada Territory, was indefinitely postponed—which motion was made special order for Tuesday next, at two o'clock, P. M.

Mr. Van Dyke offered concurrent resolution relative to the Adjutant-General.

Adopted.

Mr. Shurtleff offered concurrent resolution relative to granting leave of absence to the County Judge of Trinity County.

Adopted.

Mr. Porter made the following report :

Mr. PRESIDENT:—The Committee to whom was referred Senate bill No. 379, report a substitute, and recommend its passage.

GEO. K. PORTER, for Committee.

Senate bill No. 393, an Act to authorize the Board of Supervisors of Contra Costa County to audit and allow the claim of W. R. Barber, etc.—rules suspended, considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

At half past five o'clock, P. M., on motion of Mr. Denver, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, April 11th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Gaskill moved to reconsider the vote by which the Senate yesterday passed Senate bill No. 294, an Act to authorize Eugene L. Sullivan and associates to lay down gas pipes in San Francisco.

Carried.

Assembly bill No. 99, an Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth—read third time, and passed.

Assembly bill No. 250, an Act supplementary to and amendatory of an Act entitled an Act to amend an Act to authorize the formation of corporations for the construction of plank and turnpike roads, etc.—indefinitely postponed.

Mr. Rhodes moved to reconsider the vote by which the Senate yesterday indefinitely postponed Senate bill No. 255, an Act to legalize certain records in Mono County.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Lewis, and Crane, and taken, with the following result :

AYES—Messrs. Baker, Irwin, Kimball, Nixon, Quint, Rhodes, and Soule—7.

NOES—Messrs. Burnell, Chamberlain, Crane, Denver, Gaskill, Harvey, Harriman, Hill, Lewis, Oulton, Parks, Pacheco, Perkins, Powers, Shafter, Shurtleff, and Watt—17.

## MESSAGE FROM THE ASSEMBLY.

The following communication was received from the Assembly :

ASSEMBLY CHAMBER.  
April 11th, 1862. }

MR. PRESIDENT:—In accordance with a resolution of the Assembly, passed yesterday, we now acquaint the Senate that the Assembly, in the name of themselves and of all the People of the State of California, have impeached James H. Hardy, District Judge of the Sixteenth Judicial District of the State of California, of misdemeanors in office, and that the Assembly will, in due time, exhibit particular Articles of Impeachment against him, and make good the same.

We demand, in the name of the Assembly, that the Senate take order for the appearance of the said James H. Hardy, to answer to the said Impeachment.

JOHN G. McCULLOUGH,  
H. G. WORTHINGTON,  
Committee.

Mr. Campbell offered the following resolution :

*Resolved*, That Messrs. McCullough and Worthington be and they are

hereby constituted a Committee, to go to the Senate forthwith, and at the bar thereof, in the name of the Assembly, and of The People of the State of California, to impeach James H. Hardy, District Judge of the Sixteenth Judicial District of the State of California, of misdemeanor in office, and to acquaint the Senate that this Assembly will, in due time, exhibit particular Articles of Impeachment against him, and make good the same; and that the said Committee demand that the Senate take order for the appearance of the said James H. Hardy, to answer to said Impeachment.

Adopted in Assembly, April tenth, eighteen hundred and sixty-two.

JOHN SEDGWICK, Clerk.

#### GENERAL FILE.

Assembly bill No. 438, an Act supplementary to an Act entitled an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by Act of Congress, etc.—read third time, and passed.

Assembly bill No. 439, an Act to provide for the publication and distribution of the laws of eighteen hundred and sixty-two, relating to revenue, and to call meetings of the Boards of Supervisors of the several counties—read third time, and passed.

Senate bills Nos. 94 and 136, concerning mileage—substitute adopted, read first and second times, amended, rules suspended, considered engrossed, read third time, and passed.

Mr. Rhodes offered the following resolution :

WHEREAS, A Committee of the Assembly of this State has appeared at the bar of this Senate, and impeached James H. Hardy, the District Judge of the Sixteenth Judicial District of the State of California, and demanded that the Senate take order for the appearance of said party to answer the Impeachment—therefore, be it

*Resolved*, That the Senate will take such order, and will issue process against said James H. Hardy, the District Judge of the Sixteenth Judicial District of the State of California, upon presentation of Articles of Impeachment.

Adopted.

Mr. Perkins moved to reconsider the vote by which the Senate, on yesterday, passed Senate bill No. 229, relative to outside lands in San Francisco.

Mr. Parks moved to lay the motion and bill on the table.

Upon which, the ayes and noes were demanded, by Messrs. Parks, Powers, and De Long, and taken, with the following result :

AYES—Messrs. Baker, Denver, De Long, Harvey, Harriman, Hill, Holden, Irwin, Merritt, Oulton, Parks, Pacheco, Perkins, Shafter, Van Dyke, and Williamson—16.

NOES—Messrs. Heacock, Kutz, Nixon, Porter, Powers, Soule, and Watt—7.

Mr. Powers, from the Committee on Engrossment, made the following report :

**MR. PRESIDENT:**—The Committee on Engrossed Bills have examined Senate bill No. 304, an Act to provide for street railroads in the City and County of San Francisco, and report the same correctly engrossed.

**POWERS, for Committee.**

Senate bill No. 58, an Act creating the Eighteenth Judicial District—laid on the table.

Assembly bill No. 76, an Act to prohibit actions to recover the possession of real property, by virtue of Spanish or Mexican grants, until after a final confirmation of the boundaries of such grant by the proper authorities of the United States.

Mr. Shafter moved to postpone the consideration of the bill until the first day of June, eighteen hundred and sixty-two.

Upon which, the ayes and noes were demanded, by Messrs. Nixon, Pacheco, and Gaskill, and taken, with the following result:

**AYES**—Messrs. Baker, Bogart, Burnell, Denver, Harvey, Harriman, Hill, Holden, Merritt, Oulton, Parks, Pacheco, Perkins, Porter, Powers, Shafter, Soule, Shurtleff, and Vineyard—19.

**NOES**—Messrs. Banks, Crane, Gaskill, Hathaway, Heacock, Irwin, Kimball, Kutz, Nixon, Rhodes, Warmcastle, and Watt—12.

Assembly bill No. 117, an Act to amend an Act amendatory of and to extend the provisions of an Act entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, approved April twenty-fourth, eighteen hundred and sixty-one—indefinitely postponed.

Mr. Gaskill moved to reconsider the vote by which the Senate yesterday passed Senate bill No. 439, an Act declaring Feather River navigable.

Upon which, the ayes and noes were demanded, by Messrs. Gaskill, Parks, and De Long, and taken, with the following result:

**AYES**—Messrs. Bogart, Denver, Gaskill, Harriman, Hathaway, Heacock, Irwin, Kutz, Perkins, Quint, Shafter, Soule, Shurtleff, Vineyard, Warmcastle, and Watt—16.

**NOES**—Messrs. Banks, Burnell, Chamberlain, Harvey, Oulton, Parks, Powers, and Rhodes—8.

**So the motion to reconsider was carried.**

Upon the passage of the bill, the ayes and noes were demanded, by Messrs. Parks, Quint, and Irwin, and taken, with the following result:

**AYES**—Messrs. Banks, Burnell, Harvey, Oulton, Parks, Rhodes, and Shafter—7.

**NOES**—Messrs. Bogart, Denver, Gaskill, Harriman, Hathaway, Holden, Irwin, Kutz, Powers, Quint, Soule, Shurtleff, Vineyard, Warmcastle, and Williamson—15.

Mr. Oulton moved to reconsider the vote by which Assembly bill No. 201, relative to Chinese immigration, passed the Senate yesterday.

Lost.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:



## ASSEMBLY CHAMBER. }

April 9th, 1862. }

Mr. PRESIDENT:—The Assembly, this day, passed Senate bill No. 254, an Act to authorize Joseph M. Wood to build a wharf in the City and County of San Francisco;

Also, the Assembly this day adopted the accompanying memorial of the Legislature of the State of California to the Congress of the United States, on the dangers of Chinese immigration;

Also, Assembly concurrent resolution No. 32, relative to memorializing Congress concerning Chinese immigration;

Also, the Assembly on the seventh instant passed Assembly bill No. 430, an Act to give the Supervisors of the County of Santa Clara control over certain rivers therein named;

Also, on same day, passed Assembly bill No. 426, to provide for the construction of a railroad from the City of Stockton, San Joaquin County, to French Camp, in the same county;

Also, this day passed Senate bill No. 437, an Act to define the meaning of certain terms used in the revenue laws of this State;

Also, the Assembly on yesterday passed Assembly bill No. 355, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

JOHN SEDGWICK,

Clerk of Assembly.

## ASSEMBLY CHAMBER. }

April 10th, 1862. }

Mr. PRESIDENT:—The Assembly on the ninth of April passed Senate bill No. 440, an Act to change the name of Meyer Ciechanowiecki;

Also, on same day passed Senate bill No. 429, an Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claim of Robert Nixon;

Also, on same day passed Senate bill No. 412, an Act to authorize the County Auditors of the Counties of Mono, Tuolumne, and San Joaquin, to issue certain bonds, and provide for the construction of a road therein named;

Also, on the eighth of April passed Assembly bill No. 417, an Act to amend an Act concerning District Court Reporters;

Also, this day concurred in Senate amendments to Assembly concurrent resolution No. 25, concerning payment of G. T. Boulden;

Also, this day amended and passed Senate bill No. 387, an Act to appropriate money to the Ladies' Relief Society of San Francisco;

Also, this day passed Senate bill No. 241, an Act to appropriate money for the relief of destitute females in the State of California;

Also, this day concurred in Senate amendment to the fourth section of Assembly bill No. 154, an Act to establish the lines and grades of streets in the City and County of San Francisco, and refused to concur in the other Senate amendments to said bill.

W. N. SLOCUM,

Assistant Clerk.

## ASSEMBLY CHAMBER. }

April 10th, 1862. }

Mr. PRESIDENT:—The Assembly, on the eighth of April passed Assembly bill No. 442, an Act to grant the right to construct a bridge across the Cosumnes River;

Also, on the seventh of April passed Assembly bill No. 352, an Act amendatory of article four of an Act to repeal the several charters of the City of San Francisco, etc.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 11th, 1862. }

MR. PRESIDENT:—The Assembly have this day passed Assembly concurrent resolution No. 32, rescinding the concurrent resolutions to adjourn *sine die* on April fourteenth, and ask the concurrence of the Senate.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The memorial and concurrent resolution relative to Chinese immigration, above reported, ordered on file.

Assembly bill No. 355, above reported, read first and second times, and referred to Committee on Finance.

Assembly bill No. 430, above reported, read first and second times, and referred to Santa Clara delegation.

Assembly bill No. 426, above reported, read first and second times, and placed on file.

Assembly bill No. 442, above reported, read first and second times, and referred to El Dorado delegation.

Assembly bill No. 420, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Assembly bill No. 352, above reported, read first and second times, and referred to San Francisco delegation.

Assembly concurrent resolution No. 33, above reported, Mr. Chamberlain moved to lay on the table.

Upon which, the ayes and noes were demanded, by Messrs. Powers, Irwin, and Chamberlain, and taken, with the following result:

AYES—Messrs. Burnell, Chamberlain, Gaskill, Harvey, Harriman, Hathaway, Holden, Kutz, Perkins, Shafter, Soule, Van Dyke, and Watt—13.

NOES—Messrs. Baker, Banks, Bogart, Denver, De Long, Heacock, Hill, Irwin, Nixon, Oulton, Parks, Porter, Powers, Quint, Rhodes, Shurtleff, Vineyard, Warmcastle, and Williamson—19.

On concurring in the resolution, the ayes and noes were demanded, by Messrs. Powers, Irwin, and Chamberlain, and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Denver, De Long, Harvey, Heacock, Hill, Holden, Irwin, Kutz, Nixon, Parks, Perkins, Porter, Powers, Quint, Rhodes, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Williamson—23.

NOES—Messrs. Chamberlain, Gaskill, Harriman, Hathaway, Oulton, Shafter, Soule, and Watt—8.

The Senate refused to recede from its amendments to Assembly bill

No. 154, and appointed a Committee of Free Conference, consisting of Messrs. Banks, Soule, and Hathaway.

On motion of Mr. De Long, at five o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, April 12th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Soule made a verbal report, recommending the passage of substitute for Senate bill No. 123, an Act to authorize the construction of a wharf at the foot of Townsend street.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 9th, 1862. }

*To the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 345, an Act to provide for the redemption of bonds issued for expenses incurred in the suppression of Indian hostilities in certain counties of this State;

Also, Senate bill No. 251, an Act concerning the construction and repair of levees in the County of Sacramento, and the mode of raising revenue therefor;

Also, Senate bill No. 312, an Act granting to James R. Vineyard and his assigns, the right to construct and maintain a toll bridge across the Yuba River, near Parks' Bar, in Yuba County;

Also, Senate bill No. 198, an Act to authorize and empower Charles S. Clapp, Guardian of Albert Dorente, a minor, to sell certain real estate belonging to said minor;

Also, Senate bill No. 14, an Act to empower Charles Lindley to sell and convey at private sale all property, real and personal, situated in the State of California, in which his children, Metella S. Lindley, Curtis H. Lindley, and Josephine Lindley, have or possess any interest;

Also, Senate bill No. 113, an Act to amend an Act entitled an Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, passed March fourteenth, eighteen hundred and fifty-six;

Also, Senate bill No. 275, an Act to authorize Philip G. Galpin, Guar-

dian of Franklina C. Gray, a minor, to compromise certain claims, and to convey certain real estate.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 10th, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 338, an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain Swamp and Overflowed Lands in Tulare Valley, passed April first, eighteen hundred and fifty-seven;

Also, Senate bill No. 437, an Act to define the meaning of certain terms used in the revenue laws of this State.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 11th, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 373, an Act to appropriate money to pay the claim of Charles S. Fairfax, for costs in certain suits where the State was interested.

LELAND STANFORD, Governor.

Mr. Rhodes, by leave, introduced a bill for an Act to provide for issuing arms, etc. to colleges and academies, for the use of youth, etc.

Read first and second times, and on suspending the rules to consider the bill now, the ayes and noes were demanded, by Messrs. Rhodes, Oulton, and Gaskill, and taken, with the following result :

AYES—Messrs. Chamberlain, De Long, Gaskill, Harvey, Hathaway, Heacock, Holden, Irwin, Kimball, Nixon, Oulton, Parks, Pacheco, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, and Watt—20.

NOES—Messrs. Denver, Lewis, Perkins, and Williamson—4.

Mr. Lewis moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Lewis, Gallagher, and Gaskill, and taken, with the following result :

AYES—Messrs. Burnell, Denver, Harriman, Holden, Irwin, Lewis, Porter, Quint, Vineyard, and Williamson—10.

NOES—Messrs. Banks, Chamberlain, De Long, Gallagher, Gaskill, Harvey, Hathaway, Heacock, Hill, Kimball, Kutz, Merritt, Nixon, Oulton, Parks, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, and Watt—22.

The rules were suspended, bill considered engrossed, read third time, passed, and Forty-Fifth Rule suspended.

Hon. Messrs. Campbell, McCullough, Machin, Shannon, and Worthington, a Committee from the Assembly of the State of California, appeared at the bar of the Senate and presented the following Articles of Impeachment, and resolution under which they were appointed such Committee :



## ARTICLES OF IMPEACHMENT,

Exhibited by the Assembly of the State of California, against James H. Hardy, Judge of the Sixteenth Judicial District of said State.

The Assembly of the State of California, in the name of themselves and of all the People of said State, do hereby impeach James H. Hardy, District Judge of the Sixteenth Judicial District, of High Misdemeanors, and Wilful and Corrupt Misconduct in his said office, and wilful neglect of the duties thereof, and exhibit against the said James H. Hardy, District Judge, as aforesaid, the following Articles of Impeachment:

## ARTICLE I.

At the May term, A. D. eighteen hundred and fifty-nine, of the District Court of the Sixteenth Judicial District, in and for the County of Calaveras, the said James H. Hardy, being then and there the District Judge of said District Court, a certain suit was pending and at issue therein before the said James H. Hardy, District Judge, as aforesaid, wherein one Gerrish Foster was plaintiff, and one Fritz and others were defendants—that said cause came on for trial before said Hardy, District Judge, as aforesaid, at Mokelumne Hill, the county seat of said county, at said May term, viz: on or about the fourteenth day of May, A. D. eighteen hundred and fifty-nine; that at the trial of said cause the said James H. Hardy, District Judge, as aforesaid, unlawfully, corruptly, wilfully, fraudulently, and with intent to perpetuate and lengthen litigation between the parties aforesaid, did deny a certain motion for a nonsuit then and there made by the Counsel for the defendants in said action.

## ARTICLE II.

At the November term, A. D. eighteen hundred and fifty-nine, of the Court in the last Article mentioned, viz: on or about the twenty-sixth day of November, A. D. eighteen hundred and fifty-nine, a motion for a new trial in said case in the first Article mentioned came on for hearing before the said James H. Hardy, District Judge, as aforesaid, at the Court House in said County of Calaveras, and the said James H. Hardy, being and acting as such District Judge, did then and there, unlawfully, corruptly, wilfully, fraudulently, and with intent to perpetuate and lengthen litigation between the parties to said suit, grant to the defendants therein a new trial of said cause.

## ARTICLE III.

On or about the first day of April, eighteen hundred and fifty-nine, a certain case, wherein The People of the State of California, on the relation of the Attorney-General of the State, were plaintiffs, and one Hill Squires was defendant, was pending in the District Court of said Sixteenth Judicial District, in and for the County of Calaveras aforesaid, before the said James H. Hardy, District Judge—at which time, in the Court House, in the County of Calaveras, said cause came up for hearing and trial before said Hardy, as such Judge, and in which cause, after the hearing and trial thereof, the said James H. Hardy, as such Judge, at the county aforesaid, on or about the first day of June, A. D. eighteen hundred and fifty-nine, did, unlawfully, wilfully, corruptly, and fraudu-

lently, render judgment in favor of said Hill Squires, the defendant in said cause.

#### ARTICLE IV.

That, at the February term, A. D. eighteen hundred and sixty-two, of the District Court of the Sixteenth Judicial District, in and for the County of Calaveras, a certain suit was pending and at issue in said Court, before the said James H. Hardy, District Judge, as aforesaid, wherein one E. Mercier and another, were plaintiffs, and W. C. Denny and others, were defendants; that it was important for the interests of the plaintiffs therein that said cause should not be tried at said February term, but should be continued to the next term of said Court, and the said James H. Hardy, being then and there such District Judge, and well knowing the premises, on the twenty-fifth day of February, eighteen hundred and sixty-two, as yet of said February term, wilfully, unlawfully, corruptly, and in violation of his official duty, and for the purpose of effecting such continuance, and favoring, and benefiting the plaintiffs in said action, at Mokelumne Hill, in said County of Calaveras, solicited and urged one William L. Dudley, who was then engaged as Counsel in another case on trial before said Hardy, to consume as much time as possible in such trial, and in the trial of other cases in which said Dudley was engaged in said Court, so as to prevent the trial of said suit of E. Mercier and another, against W. C. Denny and others, at said last mentioned term.

#### ARTICLE V.

At the February term, A. D. eighteen hundred and sixty-two, of the District Court of the said Sixteenth Judicial District, in and for the County of Calaveras, a certain case was pending and at issue in said Court, the said James H. Hardy being then and there Judge thereof, as aforesaid, between J. R. Robinson and others, plaintiffs, and one George Leger and another, defendants, and the said James H. Hardy, acting as such Judge, then and there did, unlawfully, wilfully, and corruptly, continue and cause to be continued, the said case to the next term of said Court, with intent to hinder, delay, and defraud, the plaintiffs in said suit.

#### ARTICLE VI.

That at the August term, A. D. eighteen hundred and sixty-one, of the District Court of the said Sixteenth Judicial District, in and for the County of Calaveras, a certain cause was pending and at issue in said Court, the said James H. Hardy being then and there Judge, as aforesaid, between one E. Mercier and another, plaintiffs, and W. C. Denny and others, defendants, and that on the fifteenth day of said August, a motion was there made by the plaintiffs in said case to change the place of trial of said case to some other county in said State of California, which said motion was made at the Court House in said County of Calaveras, where the term of said Court was being held by the said James H. Hardy, District Judge, as aforesaid, and that the said James H. Hardy, then and there, wilfully, unlawfully, and corruptly, refused to decide, and abstained from deciding, the said motion.

## ARTICLE VII.

The said James H. Hardy, District Judge of said Sixteenth Judicial District, at the February term, A. D. eighteen hundred and sixty-two, of his said Court, held in and for the said County of Calaveras, while presiding as such Judge in a certain action then and there tried before him as such Judge, wherein one W. F. McDermott was plaintiff, and one William Higby was defendant, did, falsely, wilfully, unlawfully, and corruptly, find for the plaintiff, and against the defendant, and render judgment for the plaintiff upon the issues raised by a certain answer in abatement filed by the defendant in said suit, to which the plaintiff in said suit had replied, the said Hardy then and there well knowing said decision and finding to be unjust and unlawful.

## ARTICLE VIII.

On or about the first day of July, A. D. eighteen hundred and sixty, a certain case, wherein W. F. McDermott was plaintiff, and S. W. Burke, et al., were defendants, was pending in the District Court of said Sixteenth Judicial District, in and for said County of Calaveras, before the said James H. Hardy, District Judge, in which case, Joseph P. Vaughn had been appointed Receiver, previous thereto, by said Hardy, to take charge of, and have the care and custody of, certain property in litigation, in said case, and said James H. Hardy, District Judge, as aforesaid, did, at the Court House in said county, on or about the day last aforesaid, wilfully, unlawfully, and corruptly, refuse to hear, and abstain from hearing, a motion, on the part of the defendants in said case, to remove said Joseph P. Vaughn, Receiver, as aforesaid, and did, then and there, wilfully, unlawfully, and corruptly, continue said Joseph P. Vaughn, such Receiver, in said action, to the great prejudice and injury of the rights of the defendants in said action.

## ARTICLE IX.

At the May term, A. D. eighteen hundred and sixty-one, viz: on the thirty-first of May, A. D. eighteen hundred and sixty-one, of the District Court of the Sixteenth Judicial District, in and for the County of Calaveras, held at Mokelumne Hill, in said county, a certain suit, wherein J. R. Robinson et al. were plaintiffs, and George Leger et al. were defendants, came on before the said James H. Hardy, District Judge, as aforesaid, for trial, and the said James H. Hardy, District Judge, as aforesaid, then and there, wilfully, corruptly, and with intent to oppress the plaintiffs in said cause, of his own motion and without any objection to such evidence on the part of the defendants, refused to admit, and ruled out, certain evidence then and there upon said trial offered by the plaintiffs in said suit, for the purpose of proving that, in consequence of a certain injunction theretofore granted by the said James H. Hardy, as District Judge, said plaintiffs were prevented from running water through a certain ditch for mining purposes; and the said James H. Hardy afterwards, viz: on or about the first day of June, A. D. eighteen hundred and sixty-one, upon the settlement of a statement presented before him, the said Hardy, as such District Judge, by the defendants, for the purpose of obtaining a new trial in said cause, did, at the County of Calaveras, aforesaid, falsely, fraudulently, corruptly, and for the purpose of benefiting the defendants in said suit, insert, in said statement, language

to the effect that such evidence had been offered at the trial by the plaintiffs, etc.; that the admission thereof was objected to by the defendants; that the Court admitted the evidence; and that the defendants then and there excepted to such last mentioned ruling of the Court.

#### ARTICLE X.

That, at the February term, A. D. eighteen hundred and sixty-two, of the District Court of the Sixteenth Judicial District, in and for the County of Calaveras, and on the seventeenth day of said month of February, eighteen hundred and sixty-two, at Mokelumne Hill, in said county, the said James H. Hardy, then and there being District Judge, as aforesaid, and acting and holding said term in such capacity, did, unlawfully, wilfully, corruptly, and for the purpose of injuring the defendants in a certain cause, then and there pending and at issue before him in said Court, wherein E. Mercier et al. were plaintiffs, and W. C. Denny et al. were defendants, and, in violation of the rules of said Court, continue said cause from the said seventeenth day of February, A. D. eighteen hundred and sixty-two, to the twenty-seventh day of February, A. D. eighteen hundred and sixty-two.

#### ARTICLE XI.

The said James H. Hardy, District Judge, as aforesaid, at divers times, within two years now last past, to the great scandal and detriment of the administration of justice, has frequently appeared upon the bench and presided in Court, in his said District, and in the County of Calaveras, when in a state of gross intoxication; and especially did preside at said County of Calaveras, at the trial of said case of McDermott vs. Higby, at the February term, A. D. eighteen hundred and sixty-two, of said District Court of the Sixteenth Judicial District, in and for the County of Calaveras, as Judge thereof, when so drunk as to be scarcely able to articulate.

#### ARTICLE XII.

The said James H. Hardy, District Judge, as aforesaid, at the February term, A. D. eighteen hundred and sixty-two, of said District Court, in and for the County of Calaveras, held by him at Mokelumne Hill, aforesaid, did, wilfully, unlawfully, and corruptly, delay the business of said Court, to the great prejudice and injury of parties litigant in said Court at the term aforesaid.

#### ARTICLE XIII.

The said James H. Hardy, for two years now last past, he being during the whole of said period District Judge of the said Sixteenth Judicial District, has wilfully neglected to perform the duties of said office with reasonable diligence, thereby causing great delays in the transaction of the judicial business of said District, and causing great loss, damage, and inconvenience to suitors before the District Court of said District, especially at the August term, eighteen hundred and sixty-one, held in and for said County of Calaveras.

#### ARTICLE XIV.

At the July term of the District Court of the Seventh Judicial Dis-



trict, in and for the County of Marin, the said James H. Hardy did preside over and hold said Court, as Judge. Among other cases then pending before said Court, was a certain prosecution against one David S. Terry, for having feloniously killed one David C. Broderick, in a duel between them; that in said case the said David S. Terry had theretofore pleaded Not Guilty to the indictment found against him for such offence; that said case was duly set for trial on the sixth day of July, A. D. eighteen hundred and sixty, and that at the time fixed for the commencement of the trial of said cause, the witnesses for the prosecution were on their way from San Francisco, where they all resided, to the county seat of Marin County, where said Court was held, (the distance between the two places being about fifteen miles,) and the said James H. Hardy, acting as such District Judge, then and there, viz: at San Rafael, in said County of Marin, well knowing the premises, and desiring and fraudulently intending and contriving to prevent a fair trial of said cause, and the due and proper administration of justice therein, unlawfully, corruptly, and wickedly, before said witnesses were able to arrive at said Court, (they having been detained by a calm while attempting to reach Marin County by water, as the said James H. Hardy then and there well knew,) did, on the said sixth day of July, A. D. eighteen hundred and sixty, aforesaid, at the said County of Marin, cause a jury to be empanelled with indecent haste in said cause, before the hour of ten A. M. of that day, and then and there forced on the trial of said cause, and caused the same to be submitted to the jury without any testimony on the part of the prosecution, and in the absence of said witnesses, or any of them, to the great scandal and disgrace of the administration of the law in the State of California.

#### ARTICLE XV.

The said James H. Hardy, at various times within one year last past, and especially at the times and places hereinafter mentioned, while holding the office of District Judge, as aforesaid, and bound by his official oath to support the Constitution of the United States, has, in violation of his oath of office, and his duty and obligations as a Judge, publicly used seditious and treasonable language of and concerning the Constitution and Government of the United States, and aided, and abetted, and given comfort to, the enemies of said Constitution and Government, as follows, viz:

First. On or about the twenty-fifth day of June, A. D. eighteen hundred and sixty-one, at the Town of Jackson, County of Amador, in the State aforesaid, he, the said James H. Hardy, then being Judge of the Sixteenth Judicial District, as aforesaid, and divers States of the United States of America, and divers of the people thereof, being then in open rebellion against the Government, Constitution, and laws, thereof, and then seeking to subvert the same by force of arms, and then actually in arms for that purpose, the said James H. Hardy, well knowing the premises, did, then and there, viz: at the said Town of Jackson, County of Amador, in violation of his official oath and duty as such District Judge, openly give aid and comfort to the enemy, and wilfully, treasonably, and corruptly, aid and abet their treasonable purposes and practices, by openly and publicly declaring, in the presence and hearing of divers citizens of the State of California, and giving a toast in substance as follows: "Here is to Jeff. Davis, (meaning one Jefferson Davis, then a leader of said rebels, and engaged in said rebellion,) and the

Southern Confederacy." (meaning a certain pretended Government which said rebels had set up in opposition to and defiance of the Constitution of the United States.)

Second. On the same day, and at the same town and county, at a late hour of the night, the said James H. Hardy, District Judge, as aforesaid, disturbed the public peace by shouting huzzas for said Davis.

Third. On the twenty-sixth day of June, A. D. eighteen hundred and sixty-one, at or near the Town of Angel, in the County of Calaveras, the said James H. Hardy, then Judge, as aforesaid, in violation of his official oath and duty aforesaid, seeing the American flag waving from a flag-staff, declared, in the presence and hearing of divers good citizens of the State of California, referring to said flag, substantially as follows: "That is an old woman's rag, and ought to be torn down."

Fourth. That on or about the twentieth day of August, eighteen hundred and sixty-one, the said James H. Hardy, then District Judge, as aforesaid, at said Mokelumne Hill, in a public bar room, offered substantially the following toast: "Here is to the stars and stripes; as to the Constitution, there is none—the Constitution is gone to hell."

Fifth. On the first day of March, A. D. eighteen hundred and sixty-two, at said Mokelumne Hill, and immediately after the adjournment of the February term of the District Court of the Sixteenth Judicial District, in and for said County of Calaveras, the said James H. Hardy, then District Judge, as aforesaid, used substantially the following language, in presence of divers citizens of said county: "My Court has adjourned, and I am now off the bench; my mother was born in the South, and I am a rebel, and I don't care a damn who knows it."

Sixth. That at the City and in the County of Sacramento, on or about the second day of April, A. D. eighteen hundred and sixty-one, the said James H. Hardy, being then such District Judge, as aforesaid, in violation of his said official oath and duty, offered, in a public bar room, substantially the following toast: "Gentlemen, I will give you the perpetuation of a Southern Confederacy and the sovereignty of Jeff. Davis; and may his name be perpetuated in the same light they hold the immortal Washington."

Seventh. That on or about the twenty-sixth of June, eighteen hundred and sixty-one, the said James H. Hardy, then being District Judge, as aforesaid, at Chile Gulch, in Calaveras County, in further violation of his official oath and duty, drank to the health of said Jeff. Davis and said Southern Confederacy.

Eighth. That on or about the first day of September, A. D. eighteen hundred and sixty-one, the said James H. Hardy, at Mokelumne Hill, in said County of Calaveras, being then and there District Judge of said Sixteenth Judicial District, as aforesaid, did, in violation of his said oath of office and duty as aforesaid, publicly declare, in the presence and hearing of divers good citizens of this State, and say, in substance, as follows: That he was a Secessionist, and that if a foreigner should come before him, holding the same sentiments that he, the said Hardy, entertained, as a man, towards the Constitution and Government of the United States, and applied for citizenship, he, the said Hardy, as a Judge, would not admit him to citizenship.

And the Assembly, by protestation, saving to themselves the liberty of exhibiting at any time hereafter, any further Articles, or other accusation, or impeachment, against the said James H. Hardy, and of replying to his answers which he shall make unto the Articles herein preferred

against him, and of offering proof to the same, and every part thereof, and to all and every other Article, accusation, or impeachment, which shall be exhibited by them, as the case shall require, demand the said James H. Hardy may be put to answer the misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments, may be thereupon had as may be according to law and justice.

The foregoing Articles of Impeachment were adopted by the Assembly on the eleventh day of April, A. D. eighteen hundred and sixty-two.

GEORGE BARSTOW,

Speaker of the Assembly.

Attest: JOHN SEDGWICK, Chief Clerk.

#### RESOLUTION.

IN ASSEMBLY.

April 10th, 1862. }

Mr. O'Brien offered the following resolution:

*Resolved*, That Messrs. Campbell, McCullough, Machin, Shannon, and Worthington, be appointed a Special Committee to prepare Articles of Impeachment against James H. Hardy, District Judge of the Sixteenth Judicial District of the State of California, and it shall be the duty of said Committee to manage the conduct of said Impeachment, and to manage the same before the Senate, and they are hereby declared to have power to administer oaths, and send for persons and papers, and to employ Counsel to assist in said Impeachment.

Adopted.

I hereby certify that the foregoing is a true copy of the original resolution offered and adopted in Assembly, as above stated.

JOHN SEDGWICK,

Chief Clerk of Assembly.

The communication was laid on the table.

#### REPORTS.

Mr. Perkins, from the Committee on Finance, made the following report:

MR. PRESIDENT:—The Committee on Finance, to whom was referred Assembly bill No. 265, have had the same under consideration, and report the same back, and recommend its passage;

Also, have considered Assembly bills Nos. 364 and 365, report the same back, without recommendation.

PERKINS, Chairman.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 417, an Act to amend an Act entitled an Act concern-



ing District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, in so far as it relates to the Fourth and Twelfth Judicial Districts, beg leave to report that they have had the same under consideration, and report it back, with an amendment, and recommend its passage as amended.

A. L. RHODES.

Mr. Burnell, from the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate bill No. 276, an Act concerning melodeons and other places of public amusements in the City and County of San Francisco, and report the same correctly engrossed.

BURNELL, Chairman.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by an Act of Congress, entitled an Act to provide for increased revenue from imports to pay interest on the public debt, and for other purposes, passed August sixth, eighteen hundred and sixty-one ;

Also, Senate bill No. 218, an Act in relation to the construction of the State Capitol building, and to annul contracts heretofore entered into ;

Also, Senate bill No. 395, an Act supplemental to an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto ;

Also, Senate bill No. 254, an Act to authorize Joseph M. Wood, his associates and their assigns, to build a wharf in the City and County of San Francisco ;

Also, Senate bill No. 281, an Act to grant to H. J. May, Charles M. Baxter, William Kohl, and others whom they may associate with them, and their assigns, the right to lay a railroad track along certain streets in the City of Petaluma, and through a public road in the County of Sonoma ;

Also, Senate bill No. 57, an Act appropriating money for the benefit of certain orphan asylums in this State ;

Also, Senate bill No. 348, an Act to authorize the Register of the State Land Office to issue duplicate certificates to School, or Swamp and Overflowed, and Salt Marsh and Tide Lands, when the originals have been lost or destroyed ;

Also, Senate bill No. 172, an Act for the relief of purchasers of Swamp and Overflowed Salt Marsh and Tide Lands ;

Also, Senate bill No. 113, an Act to amend an Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, passed March fourteenth, eighteen hundred and fifty-six ;

Also, Senate bill No. 373, an Act to appropriate money to pay the claim of Charles S. Fairfax ;

And this day, April eleventh, eighteen hundred and sixty-two, at half



past twelve o'clock, p. m., delivered the same to the Governor, for his approval.

GEO. K. PORTER, Chairman.

GENERAL FILE.

Assembly bill No. 424, and Senate bill No. 221, relative to the Insane Asylum—recommitted to State Hospital Committee.

Senate bill No. 304, an Act concerning street railroads in the City and County of San Francisco—amended, read third time, passed, and title amended.

Senate bill No. 276, an Act concerning melodeons and other places of amusement in the City and County of San Francisco.

Mr. Watt moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Porter, and Merritt, and taken, with the following result :

AYES—MESSRS. Crane, Denver, Perkins, Porter, and Watt—5.

NOES—MESSRS. Baker, Burnell, Chamberlain, Harriman, Hathaway, Irwin, Kimball, Kutz, Lewis, Merritt, Oulton, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Warmcastle—17.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Banks, Williamson, and Watt, and taken, with the following result :

AYES—MESSRS. Banks, Burnell, Chamberlain, Gaskill, Harvey, Harriman, Hathaway, Heacock, Irwin, Kimball, Kutz, Oulton, Parks, Perkins, Rhodes, Shafter, Soule, Van Dyke, and Watt—19.

NOES—MESSRS. Crane, Denver, Hill, Holden, Lewis, Merritt, Pacheco, Porter, Shurtleff, Vineyard, Warmcastle, and Williamson—12.

Mr. Irwin gave notice of reconsideration.

Mr. Gaskill moved to suspend the Twentieth Rule of the Senate.

Lost.

Assembly bill No. 251, an Act to provide for a road in Mono County—laid on table.

Assembly bill No. 357, an Act to authorize the Superintendent of Common Schools in Fresno County to teach school—amended, read third time, passed, and title amended.

Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County, (special order for this day)—made special order for April fifteenth, at two o'clock, p. m.

Senate bill No. 233, an Act to authorize the San Francisco and Oakland Railroad Company to construct a wharf and slip in the City and County of San Francisco—referred to San Francisco delegation.

On motion of Mr. Shafter, the following Order of the Senate was made :

WHEREAS, Articles of Impeachment have been presented by the Assembly against James H. Hardy, District Judge of the Sixteenth Judicial District, of the State of California—

Now, therefore, it is hereby ordered, by this the Senate of said State, that Monday, the twenty-eighth day of April, A. D. eighteen hundred and sixty-two, at eleven o'clock, A. M., be, and the same is hereby assigned,

as the day and time of hearing and proceeding upon the trial of said James H. Hardy, upon said Articles of Impeachment, at the Senate Chamber, in the City and County of San Francisco; and that said Assembly and said James H. Hardy be duly notified of this order.

# REPORT.

Mr. Porter, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 314, an Act to fund the outstanding indebtedness of the County of Mariposa, now existing in form of County Auditor's warrants drawn on the Indigent Sick Fund to the first day of September, eighteen hundred and sixty-two;

Also, Senate bill No. 324, an Act to grant the right of way to construct a toll bridge across Bear River, to certain parties therein named;

Also, Senate bill No. 384, an Act to tax foreign insurance companies doing business in this State;

Also, Senate bill No. 405, an Act to regulate artesian wells in the County of Santa Clara;

Also, Senate bill No. 334, an Act concerning hogs found running at large in Tulare County;

Also, Senate bill No. 174, an Act for the relief of E. B. Ryan, Assessor of Sacramento County;

Also, Senate bill No. 305, an Act to amend an Act entitled an Act in relation to trial jurors in the Courts of Sessions and County Courts in certain counties in this State, approved April sixth, eighteen hundred and fifty-nine;

Also, Senate bill No. 271, an Act to authorize the re-issue of a certain land warrant, No. 53, in lieu of original, which has been burned;

Also, Senate bill No. 131, an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one;

Also, Senate bill No. 357, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Salmon Falls, in the County of El Dorado;

Also, Senate bill No. 246, an Act authorizing Charles H. Brinley, Andres Pico, and James R. Vineyard, to construct a turnpike road from the ex-Mission of San Fernando, across the Mountains of San Fernando, to the Arroyo de Santa Clara, in Los Angeles County, approved May seventh, eighteen hundred and sixty-one;

Also, Senate bill No. 440, an Act to change the name of Meyer Ciechowowiecki;

Also, Senate bill No. 429, an Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claim of Robert Nixon, Jr.;

Also, Senate bill No. 350, an Act to amend an Act entitled an Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine;

Also, Senate bill No. 195, an Act to authorize Mrs. Mary Comstock and her minor children, Bertha Comstock, John Felt Osgood Comstock, and George Comstock, to sell their homestead;

And, this day, April twelfth, at two o'clock, P. M., delivered the same to the Governor, for his approval.

GEO. K. PORTER, Chairman.

Senate bill No. 423, an Act to authorize the Board of Managers of the Industrial School Department of San Francisco to grant and convey to the San Francisco and San José Railroad Company a right of way, etc.—ordered engrossed, and read a third time.

Assembly bill No. 407, an Act in relation to the Superintendent of Common Schools in the County of San Diego—read third time, and passed.

Senate bill No. 411, an Act to amend an Act entitled an Act making certain officers salaried officers, etc.—recommitted to Special Committee, consisting of Messrs. Merritt, Soule, and Williamson.

On motion of Mr. Hill, at three o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, April 14th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Heacock was granted one day leave of absence, and Mr. Quint indefinite leave.

### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
April 14th, 1862. }

Mr. PRESIDENT:—The Assembly, on the eleventh of April, adopted Assembly concurrent resolution No. 27, relative to the appointment of a Commissioner to visit Washington.

JOHN SEDGWICK, Clerk.

Mr. Chamberlain moved to lay the resolution above reported on the table.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Crane, and Denver, and taken, with the following result :

AYES—Messrs. Chamberlain, Crane, Denver, Gaskill, Harriman, Kimball, Kutz, Porter, Shafter, Soule, and Watt—11.

NOES—Messrs. Baker, Banks, Bogart, Burnell, De Long, Gallagher, Harvey, Hathaway, Hill, Holden, Lewis, Merritt, Nixon, Oulton, Pacheco, Rhodes, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Williamson—21.

The general file was called up.

Mr. De Long moved to suspend the consideration of the file until the disposition of the resolution before the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Crane, Soule, and Shafter, and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Burnell, De Long, Gallagher, Harvey, Hathaway, Hill, Holden, Lewis, Merritt, Nixon, Oulton, Parks, Pacheco, Rhodes, Shurtleff, Van Dyke, Vineyard, and Williamson—21.

NOES—Messrs. Chamberlain, Crane, Denver, Gaskill, Harriman, Irwin, Kimball, Kutz, Porter, Shafter, Soule, Warmcastle, and Watt—13.

Assembly bill No. 364, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year, commencing on the first day of July, A. D. eighteen hundred and sixty-two, and ending on the thirtieth day of June, eighteen hundred and sixty-three—was considered as in Committee of the Whole, reported with amendments, and amendments adopted.

Mr. Perkins then moved to amend the first section of the bill, by inserting after "salary of Private Secretary of Governor," "for special contingent fund of the Governor's office, to be drawn at his discretion, five thousand dollars; *provided*, that this amount shall be used for a secret service fund, at the discretion of the Governor, and for no other purpose whatever; and, *provided*, that the Governor shall make a report to the next Legislature, stating how much of said sum he has used for the purposes named."

Upon which, the ayes and noes were demanded, by Messrs. Perkins, De Long, and Oulton, and taken, with the following result:

AYES—Messrs. Banks, Crane, De Long, Gaskill, Harriman, Hathaway, Kutz, Pacheco, Perkins, Porter, and Soule—11.

NOES—Messrs. Baker, Chamberlain, Denver, Harvey, Holden, Kimball, Lewis, Merritt, Nixon, Oulton, Parks, Rhodes, Shafter, Shurtleff, Van Dyke, and Watt—16.

The bill was then read third time, and passed.

Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two—amended, read third time, and passed.

Senate bill No. 312, an Act to authorize the Controller of State to employ an additional clerk—*indefinitely postponed*.

#### REPORTS.

Mr. Burnell, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined Senate bill No. 336, an Act concerning mileage, and Senate bill No. 213, an Act to authorize the Board of Managers of the Industrial School Department of the City and County of San Francisco to grant and convey to the San Francisco and San José Railroad Company the right of way for the construction of said road over and through the land belonging to said Industrial School Department, and find the same correctly engrossed.

BURNELL, Chairman.



Senate bill No. 423, above reported, was read third time, and passed.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 366, an Act to provide for the establishment, maintenance, and protection, of public and private roads in the County of Santa Cruz;

Also, Senate bill No. 143, an Act to authorize the sale of real estate belonging to the estate of Henry P. Haun, deceased, at public or private sale;

Also, Senate bill No. 147, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Senate bill No. 248, an Act to provide for the construction of a wagon road from Red Bluff to the eastern boundary line of this State, near Honey Lake;

Also, Senate bill No. 145, an Act amendatory of and supplementary to an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte; and this day, April fourteenth, eighteen hundred and sixty-two, at one o'clock, P. M., delivered the same to his Excellency the Governor, for his approval.

PORTER, Chairman.

Assembly concurrent resolution No. 27, relative to the appointment of a Commissioner to visit Washington.

On its adoption, the ayes and noes were demanded, by Messrs. Gaskill, Porter, and Crane, and taken, with the following result :

AYES—Messrs. Baker, Banks, Bogart, Burnell, De Long, Harvey, Hariman, Hathaway, Hill, Holden, Irwin, Merritt, Nixon, Oulton, Pacheco, Rhodes, Soule, Shurtleff, Van Dyke, and Williamson—20.

NOES—Messrs. Crane, Kutz, Porter, Shafter, and Watt—5.

On motion of Mr. Perkins, the Swamp and Overflowed Land Committee were instructed to report to this Senate, Senate bill No. 420, an Act to provide for the appointment of Commissioner to obtain from the Land Department at Washington a cession of the lands donated to the State of California by various Acts of Congress.

The bill, above reported, was reported back, without recommendation, and indefinitely postponed.

The Sergeant-at-Arms was directed to execute the following Order of the Senate :

STATE OF CALIFORNIA, }  
Senate Chamber, April 14th, A. D. 1862. }

To James H. Hardy, District Judge of the Sixteenth Judicial District of the State of California :

SIR:—The Assembly of California having presented Articles of Impeachment to this, the Senate of California, against you, for certain high crimes and misdemeanors, you are hereby notified that said Senate have assigned Monday, the twenty-eighth day of April, A. D. eighteen hundred and sixty-two, at eleven o'clock, in the forenoon, at the Chamber of said Senate, in the City of San Francisco, for the trial of said Articles of Impeachment, and that you are hereby required to appear at said time and place, to answer such Articles of Impeachment, with a copy of which

you are herewith served, and to do and abide the judgment and order of said Senate therein.

J. McM. SHAFTER,  
President pro tem. of the Senate.

Twice the usual number of copies of the Articles of Impeachment in the above mentioned case were ordered printed.

Mr. Watt moved to reconsider the vote by which Senate bill No. 276, an Act concerning melodeons and other places of amusement in the City and County of San Francisco, was on yesterday passed.

Upon which, the ayes and noes were demanded, by Messrs. Banks, Perkins, and Bogart, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Crane, Denver, De Long, Hill, Holden, Irwin, Lewis, Merritt, Pacheco, Perkins, Porter, Shurtleff, Warmcastle, and Williamson—16.

NOES—Messrs. Banks, Burnell, Chamberlain, Gaskill, Harvey, Harri-man, Kimball, Kutz, Nixon, Oulton, Rhodes, Shafter, Soule, and Van Dyke—14.

Mr. Watt moved to indefinitely postpone.

Which motion was made special order for April fifteenth, at two o'clock, P. M.

Mr. Chamberlain gave notice of reconsideration on Senate bill No. 312, an Act allowing the Controller to appoint an additional Clerk.

Mr. Burnell, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT :—The Committee on Engrossment have examined Senate bill No. 304, entitled an Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco, and report the same correctly engrossed.

BURNELL, Chairman.

Section Seven. Sixth line, after the word "street," insert "and high-ways."

Section Ten. Ninth line, strike out "President of the Board of Supervisors," and insert "Mayor."

By unanimous consent, the above amendments were ordered.

At ten minutes past four, P. M., on motion of Mr. Merritt, the Senate adjourned.

J. F. CHELLIS,  
President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, April 15th, 1862. }

Senate met pursuant to adjournment.  
President in the Chair.  
Roll called.  
Quorum present.  
Journal of yesterday read and approved.

## REPORTS.

Mr. Perkins, from the Committee on Finance, made the following report:

MR. PRESIDENT:—The Committee on Finance, to whom was referred Assembly bill No. 270, an Act to provide for arranging and indexing the papers in the office of the Secretary of State of this State, report the same back, without recommendation.

PERKINS, Chairman.

Mr. Williamson made a verbal report, recommending the passage of Senate bill No. 411, an Act to amend an Act to make certain offices of Tuolumne County salaried offices.

Bill above reported considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Merritt made the following report:

MR. PRESIDENT:—The Joint Committee appointed to inquire into and report upon the fraudulent interpolation alleged to have been made in Senate bill No. 73, last session, being an Act to provide for the Sale of the Marsh and Tide Lands of this State, make the following report.

Mr. Banks, of same Committee, also made a report.

The two reports and evidence were ordered printed. (See Appendix.)

Mr. Hathaway, from the San Francisco delegation, made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Senate bill No. 233, ask leave to report the same back, with a substitute, and recommend the passage of the substitute.

HATHAWAY,  
SHAFTER,  
SOULE,  
PERKINS.

Substitute for Senate bill No. 233, above reported, adopted, read first and second times, rules suspended, and considered engrossed.

On its passage, the ayes and noes were demanded, by Messrs. Baker, Holden, and Vineyard, and taken, with the following result:

AYES—Messrs. Burnell, Chamberlain, Crane, Gaskill, Harvey, Hathaway, Heacock, Hill, Merritt, Nixon, Perkins, Porter, Powers, Shafter, and Soule—15.

NOES—Messrs. Banks, Denver, Gallagher, Holden, Irwin, Lewis, Parks, Pacheco, Shurtleff, and Vineyard—10.

Mr. Hill, from the Committee on State Hospitals, made the following report:

MR. PRESIDENT:—Your Committee on State Hospitals, to whom was referred Senate bill No. 221, and Assembly bill No. 424, also a substitute, relating to the Insane Asylum, have had the same under consideration, report the same back, and recommend the passage of the substitute.

HILL,  
HARVEY,  
NIXON,  
SHURTLEFF.

Mr. Porter, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 241, an Act to appropriate money for the relief of destitute females in the State of California;

And, this day, April fifteenth, eighteen hundred and sixty-two, at eleven o'clock and thirty minutes, A. M., delivered the same to His Excellency, the Governor, for his approval.

PORTER, Chairman.

Mr. Porter also made the following report:

MR. PRESIDENT:—Your Committee to whom was referred Senate bill No. 331, report a substitute, and recommend its passage.

PORTER, of Committee.

#### GENERAL FILE.

Assembly bill No. 321, an Act to provide for the collection of delinquent taxes in the County of Placer—amended, read third time, and passed, and title amended.

Assembly bill No. 311, an Act to authorize Almira Ingram, the parent and Guardian of Jonetta M. Ingram, a minor, to sell real estate, etc.—read third time, and passed.

Senate bill No. 425, an Act to authorize George W. Frink to construct and maintain a wharf in San Francisco, etc.—laid on the table.

Senate bill No. 435, an Act to extend to the County of Klamath the provisions of an Act restricting the herding of sheep, etc.—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 183, an Act authorizing the State Treasurer to issue War Bonds to A. W. Bee—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 123, an Act to authorize the construction of a wharf at the foot of Townsend street, in the City of San Francisco—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 433, an Act to purchase certain vines, and provide for the distribution of the same—made special order for April sixteenth, at two o'clock, P. M.



Assembly bill No. 373, an Act to grant the right to construct a toll bridge across Cache creek, in Yolo County, at the Town of Cacheville, to certain parties therein named—amended, read third time, and passed, and title amended.

Senate bill No. 22, an Act to authorize Joseph Galloway to construct a wharf, etc.—laid on the table.

Assembly bill No. 135, an Act for the protection of growing timber on all possessory claims, and other private property, in certain counties in this State, etc.—amended, read third time, and passed.

Senate bill No. 215, an Act to amend an Act to authorize the construction of certain wharves—laid on table.

Senate bill No. 416, an Act authorizing Adam G. Muirhead, Executor of the estate of John Muirhead, deceased, to sell real estate—rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Senate bill No. 300, an Act to authorize the consolidation and fusion of certain joint stock associations therein named—ordered engrossed, and read third time.

Senate bill No. 332, an Act granting the right to construct a street railroad within the City and County of San Francisco—indefinitely postponed.

Assembly bill No. 426, an Act to provide for the construction of a railroad from the City of Stockton, San Joaquin County, to French Camp, in the same county.

Mr. Merritt moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Oulton, and Denver, and taken, with the following result:

AYES—Messrs. Baker, Banks, Bogart, Denver, Harvey, Irwin, Kutz, Merritt, Oulton, Parks, Pacheco, Rhodes, Shurtleff, and Vineyard—14.

NOES—Messrs. Burnell, Chamberlain, Harriman, Heacock, Kimball, Lewis, Nixon, Perkins, Powers, Quint, Shafter, Soule, Warmcastle, and Williamson—14.

The bill was amended, and on ordering the bill to be read third time, the ayes and noes were demanded, by Messrs. Vineyard, Denver, and Merritt, and taken, with the following result:

AYES—Messrs. Burnell, Chamberlain, De Long, Gaskill, Harriman, Hathaway, Heacock, Kimball, Nixon, Oulton, Perkins, Powers, Shafter, Soule, and Warmcastle—15.

NOES—Messrs. Baker, Banks, Bogart, Denver, Harvey, Holden, Kutz, Lewis, Merritt, Parks, Pacheco, Rhodes, Shurtleff, Vineyard, and Williamson—15.

#### SPECIAL ORDERS.

Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County, and for regulating the herding of stock within the same—made special order for Friday, April eighteenth, at two o'clock, P. M.

Senate bill No. 356, an Act to cede certain territory of the State of California to the Territory of Nevada—made special order for April nineteenth, at two o'clock, P. M.

Senate bill No. 276, an Act concerning melodeons and other places of public amusement in the City and County of San Francisco.

On the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Perkins, Banks, and Holden, and taken, with the following result :

**AYES**—Messrs. Baker, Bogart, Denver, De Long, Hill, Holden, Irwin, Merritt, Pacheco, Perkins, Quint, Shurtleff, Vineyard, Warmcastle, and Williamson—16.

**NOES**—Messrs. Banks, Burnell, Chamberlain, Gaskill, Hathaway, Kutz, Nixon, Oulton, Parks, Powers, Rhodes, Shafter, and Soule—13.

#### GENERAL FILE RESUMED.

Assembly bill No. 417, an Act to amend an Act concerning District Court Reporters, for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, in so far as it relates to the Fourth and Twelfth Judicial Districts—amended, read third time, and passed.

Assembly bill No. 265, an Act for the repeal of an Act approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act to provide for the collection of delinquent taxes in the County of San Bernardino, approved March twenty-seventh, eighteen hundred and sixty-one—read third time, and passed.

Assembly bill No. 320, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—read third time, and passed.

Senate bill No. 294, an Act to authorize Eugene L. Sullivan, Nathaniel Holland, John Benson, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco—passed.

#### REPORTS :

Mr. Powers made the following report :

MR. PRESIDENT :—Your Committee, consisting of the delegations from Yuba, Yolo, and San Joaquin, to whom was referred Assembly bill No. 68, an Act concerning the trespassing of stock, have had the same under consideration, and the majority, who are interested in its provisions, together with the minority, who has *no* interest therein, recommend the indefinite postponement of the bill.

POWERS,  
DE LONG,  
CHAMBERLAIN.

Mr. Harvey made the following report :

MR. PRESIDENT :—The El Dorado delegation, to whom was referred Assembly bill No. 442, an Act to grant the right to construct a bridge across the Cosumnes River, have had the same under consideration, and report the same back, without amendment, and recommend its passage.

O. HARVEY, for Delegation.

Assembly bill No. 442, above reported, read third time, and passed.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, April 12th, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 165, an Act concerning roads and highways in the County of Mariposa ;

Also, Senate bill No. 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings ;

Also, Senate bill No. 178, an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed and Salt Marsh and Tide Lands, donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one ;

Also, Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by an Act of Congress, entitled an Act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes, passed the fifth day of August, eighteen hundred and sixty-one ;

Also, Senate bill No. 253, an Act amendatory of and supplemental to an Act entitled an Act to regulate the fire department of the City and County of San Francisco, passed March twenty-fifth, eighteen hundred and fifty-seven, and the several Acts amendatory thereof.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, April 14th, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved substitute to Senate bill No. 145, an Act amendatory and supplemental of an Act entitled an Act to prescribe the duties and to provide for the compensation of the several county officers of the County of Butte, approved May third, eighteen hundred and sixty-one ;

Also, Senate bill No. 248, an Act to provide for the construction of a wagon road from a point on the Sacramento River, opposite the Town of Red Bluff, to the eastern boundary line of this State, near Honey Lake ;

Also, Senate bill No. 63, an Act for the relief of W. D. Sawyer ;

Also, Senate bill No. 256, an Act to pay the claim of Eugene Lies, for translating the State laws of the Twelfth Session of the Legislature ;

Also, Senate bill No. 396, an Act to provide for the care of the indigent sick of Tehama County, and to levy a tax therefor ;

Also, Senate bill No. 179, an Act to amend an Act entitled an Act creating a Board of Commissioners and the office of Overseer in each township of the several counties of this State, to regulate water courses within their several limits, passed May fifteenth, eighteen hundred and fifty-four ;

Also, Senate bill No. 64, an Act to authorize the Governor of the State of California to convey certain real estate ;

Also, Senate bill No. 235, an Act in relation to the Board of Supervisors in and for Butte County, and concerning their powers ;

Also, Senate bill No. 172, an Act for the relief of purchasers of Swamp and Overflowed, Salt Marsh and Tide Lands ;

Also, Senate bill No. 200, an Act making an appropriation for the payment of the claim of James Whitney and others, for the transportation of the property and appurtenances of the Legislature to San Francisco, and for fitting up apartments for the same ;

Also, Senate bill No. 156, an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one;

Also, Senate bill No. 36, an Act to create a Contingent Fund in the County of Solano.

LELAND STANFORD, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
April 12th, 1862. }

Mr. PRESIDENT :—The House, this day, concurred in Senate amendments to Assembly bill No. 279, an Act to provide for funding the indebtedness of the County of Mendocino;

Also, concurred in Senate amendments to Assembly bill No. 194, an Act making an appropriation for the payment of the per diem and mileage of Presidential Elector;

Also, concurred in Senate amendments to Assembly bill No. 106, an Act to authorize Charles C. Bowman and his associates to construct a wharf at the western end of the Encinal of San Antonio, Alameda County;

Also, have refused to concur in Senate amendments to Assembly bill No. 153, an Act to appropriate money to sustain a mounted battery of artillery in the City and County of San Francisco;

Also, passed Assembly bill No. 458, an Act to amend an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one;

Also, passed Senate bill No. 393, an Act to authorize the Board of Supervisors of Contra Costa County to audit and allow the claim of W. R. Barber, and to levy a special tax.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 14th, 1862. }

Mr. PRESIDENT :—The Assembly, on the twelfth of April, concurred in Senate amendments to Assembly bill No. 94, an Act concerning salaries and fees in Monterey County;

Also, concurred in Senate amendments to Assembly bill No. 201, an Act to protect free white labor, etc.;

Also, concurred in the first amendment of the Senate to Assembly bill No. 240, to confer further powers on the Board of Supervisors of the City and County of San Francisco, and refused to concur in the other Senate amendments to the same bill;

Also, on the tenth of April, passed Assembly bill No. 254, an Act to license gaming and gaming houses;

Also, on the eleventh of April, passed Assembly bill No. 360, an Act to amend an Act to confer upon the San Francisco and Marysville Railroad Company certain rights and privileges;

Also, on the twelfth of April, passed Assembly bill No. 462, an Act to appropriate money to pay the witnesses summoned to testify in the Hardy Impeachment case;



Also, on the twelfth instant, passed Senate bill No. 439, concerning hogs running at large in certain counties;

Also, on the twelfth of April, concurred in Senate concurrent resolution No. 55, relative to the County Judge of Trinity County;

Also, on same day, concurred in Senate concurrent resolution No. 56, relative to Adjutant-General;

Also, appointed a Committee of Free Conference on the part of the House, consisting of Messrs. Reeve, Battles, and Orr, to confer with Messrs. Banks, Soule, and Hathaway, on the part of the Senate, concerning the disagreeing vote of the two Houses on the Senate amendments to Assembly bill No. 154, an Act to establish the lines and grades of streets in the City and County of San Francisco.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 14th, 1862. }

Mr. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 372, an Act for the encouragement of agriculture and manufactures in California.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 15th, 1862. }

Mr. PRESIDENT :—The Assembly, on the fourteenth of April, passed Senate bill No. 310, an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco;

Also, on the eleventh of April, passed Assembly bill No. 290, an Act to incorporate the City of Sacramento;

Also, this day, refused to concur in Senate amendments to Assembly bills Nos. 364 and 365, general appropriation bills, and ask the Senate to recede from such amendments.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate concurred in Assembly amendments to Senate bill No. 310, above reported.

Assembly bill No. 360, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 254, above reported, indefinitely postponed.

Mr. Baker gave notice of reconsideration.

Assembly bill No. 462, above reported, read first and second times, and referred to Committee on Claims.

Assembly bill No. 458, above reported, read first and second times, and referred to Committee on Finance.

Assembly bill No. 372, above reported, read first and second times, and placed on file.

The Senate refused to recede from its amendments to Assembly bills Nos. 364, 365, 153, and 240, above reported.

On the disagreeing vote of the two Houses on Assembly bill No. 364, Messrs. Denver, Pacheco, and Porter, were appointed a Committee of Free Conference, on the part of the Senate.

On the disagreeing vote on Senate bill No. 365, Messrs. Denver, Holden, and Shurtleff, were appointed a Committee of Free Conference, on the part of the Senate.

On the disagreeing vote of the two Houses on Assembly bill No. 240, Messrs. Perkins, Denver, and Kimball, were appointed a Committee of Free Conference.

Mr. Chamberlain moved to reconsider the vote by which Senate bill No. 312, an Act authorizing the Controller of State to employ a Clerk, was on yesterday indefinitely postponed.

Mr. Oulton moved to make the motion the special order for July fourth, next.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Oulton, and Gaskill, and taken, with the following result :

AYES—Messrs. Denver, Harvey, Hill, Holden, Kimball, Oulton, Parks, and Rhodes—8.

NOES—Messrs. Banks, Chamberlain, Gaskill, Harriman, Hathaway, Heacock, Kutz, Merritt, Nixon, Perkins, Powers, Shafter, Shurtleff, Van Dyke, Warmcastle, and Williamson—16.

On the motion to reconsider, the ayes and noes were demanded, by Messrs. Chamberlain, Perkins, and Gaskill, and taken, with the following result :

AYES—Messrs. Baker, Banks, Chamberlain, Gaskill, Harriman, Hathaway, Heacock, Merritt, Perkins, Powers, Shurtleff, Warmcastle, and Williamson—13.

NOES—Messrs. Burnell, Denver, Harvey, Holden, Kimball, Kutz, Oulton, Parks, Rhodes, Shafter, Van Dyke, and Vineyard—12.

Pending further consideration of the bill, Assembly bill No. 290, an Act to incorporate the City of Sacramento—was read first and second times, and rules suspended.

On its passage, the ayes and noes were demanded, by Messrs. Gaskill, Heacock, and Perkins, and taken, with the following result :

AYES—Messrs. Baker, Banks, Bogart, Burnell, Chamberlain, Denver, De Long, Harvey, Harriman, Hathaway, Heacock, Holden, Kimball, Nixon, Oulton, Parks, Rhodes, Shurtleff, Van Dyke, and Vineyard—20.

NOES—Messrs. Gaskill, Kutz, Perkins, Powers, and Shafter—5.

On motion of Mr. Burnell, at half past four o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, April 16th, 1862. }

Senate met pursuant to adjournment.  
 President pro tem. in the Chair.  
 Roll called.  
 Quorum present.  
 Journal of yesterday read and approved.  
 Mr. Gaskill was granted one day leave of absence.

## COMMUNICATION FROM THE SERGEANT-AT-ARMS.

The following communication was received from the Sergeant-at-Arms :

*To the Honorable the Senate of California :*

I have received, to-day, a large number of subpoenas for witnesses in the Hardy case. The subpoenas are directed to eight different counties. In order that I may serve the subpoenas, it will be necessary to appoint two Deputies, and I most respectfully ask the authority to appoint them.

Respectfully,

A. G. TURNER,  
 Sergeant-at-Arms of Senate.

The following resolution accompanied the above communication :

*Resolved*, That the Sergeant-at-Arms be and is hereby authorized to appoint two Assistants to aid him in serving the subpoenas in the case of the State of California *vs.* J. H. Hardy, Judge of the Sixteenth Judicial District.

Mr. Hathaway offered the following resolution :

*Resolved*, That the President of the Senate be and is hereby authorized and directed to issue process for the appearance at the bar of the Senate, of any and all witnesses in the matter of the Impeachment of James H. Hardy, District Judge of the Sixteenth Judicial District of this State, upon the part of the prosecution; and he is also authorized to sign all subpoenas applied for on the part of the Respondent.

Mr. Rhodes offered the following substitute for the above :

*Resolved*, That the Rules for the Senate, in matters of Impeachment, adopted by the Senate, at its eighth session, be the Rules of the Senate in the matter of Impeachment now pending, except that the word "San Francisco" shall be inserted where the word "Sacramento" appears.

The above resolutions were referred to the Judiciary Committee.

Mr. Irwin offered the following resolution :

*Resolved*, That the Secretary of the Senate be directed to return to R.

M. Wilson, County Clerk of Mono County, the papers belonging to his office, in the contested election case of *Cavis vs. Quint*.

Adopted.

#### REPORTS.

Mr. Powers, from the Committee on Engrossment, made the following report :

MR. PRESIDENT:—Your Committee on Engrossment have examined Senate bill No. 294, entitled an Act to authorize Eugene L. Sullivan, Nathaniel Holland, and John Benson, to lay down gas pipes in the City and County of San Francisco ;

Also, Senate bill No. 300, an act to authorize and sanction the consolidation and fusion of certain joint stock associations therein named ; and find the same correctly engrossed.

POWERS, for the Committee.

Mr. Kimball, from the Committee on Elections, made the following report :

MR. PRESIDENT:—Your Committee on Elections would respectfully report the account of William Johnson, for services as Special Messenger, in subpoenaing John Ross, of Marysville, before said Committee, in the case of *Cavis vs. Quint*, and recommend immediate action thereon, and ask the passage of the accompanying resolution.

*Resolved*, That William E. Johnson be paid, out of the Contingent Fund of the Senate, ninety-three dollars and fifty cents, for services as Special Messenger to Marysville, and the Controller is hereby instructed to draw his warrant for the same.

KIMBALL, Chairman.

The above resolution was amended by striking out "ninety-three dollars and fifty cents," and inserting "forty dollars."

Adopted.

The Sergeant-at-Arms made the following return upon the process issued by order of the Senate, in the Hardy Impeachment case :

STATE OF CALIFORNIA, }  
City and County of San Francisco. }

I have served the within summons by delivering a true copy to James H. Hardy, Judge of the Sixteenth Judicial District, in person, at the City and County of San Francisco.

A. G. TURNER,

Sergeant-at-Arms of Senate of the State of California.

APRIL 15th, A. D. 1862.

I also certify that I have delivered to said Hardy a true copy of the Articles of Impeachment now on file with the Secretary of the Senate, in person.

A. G. TURNER,

Sergeant-at-Arms of the Senate.

APRIL 15th, 1862.

Mr. Banks made a verbal report, recommending the indefinite post-



ponement of Senate bill No. 413, an Act to provide for the payment of the printing of the City and County of San Francisco.

Bill above reported, indefinitely postponed.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
April 15th, 1862. }

Mr. PRESIDENT :—The Assembly this day passed Senate bill No. 295, an Act to regulate fees of office in Yuba County;

Also, indefinitely postponed Senate bill No. 351, an Act amendatory of and supplemental to an Act to create the County of Mono, etc.;

Also, amended and passed Senate bill No. 284, an Act amendatory of an Act concerning passengers arriving in the ports of this State;

Also, amended and passed Senate bill No. 388, an Act to grant the right to construct a turnpike road in Nevada County;

Also, passed Senate bill No. 410, an Act to extend the time for the completion of the California Northern Railroad Company's road;

Also, passed Senate bill No. 420, an Act to repeal an Act to regulate fees of certain officers in Calaveras County;

Also, passed Senate bill No. 423, an Act to authorize the Board of Managers of the Industrial School to grant the right of way through the land belonging to the Industrial School Department, to the San Francisco and San José Railroad Company;

Also, this day passed Assembly bill No. 253, an Act amendatory of the Common School Law;

Also, this day passed Assembly bill No. 433, an Act to authorize John S. Williams, and his associates, to construct a wharf in the City and County of San Francisco;

Also, this day passed Assembly bill No. 292, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty;

Also, this day passed Assembly bill No. 449, an Act to consolidate certain offices in Tehama County.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 15th, 1862. }

Mr. PRESIDENT :—The Assembly this day passed Senate bill No. 214, an Act to prevent non-residents of this State from selling goods without a license;

Also, passed, with amendments, Senate bill No. 288, an Act to repeal an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, and other matters relating thereto.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate concurred in Assembly amendments to Senate bill No. 288, above reported.

The Senate concurred in Assembly amendments to Senate bill No. 388, above reported.

The Senate concurred in Assembly amendments to Senate bill No. 284, above reported.

Assembly bill No. 433, above reported, read first and second times, and referred to San Francisco delegation.

Assembly bill No. 253, above reported, read first and second times, and referred to Committee on Education.

Assembly bill No. 449, above reported, read first and second times, and placed on file.

Assembly bill No. 292, above reported, read first and second times, and referred to Judiciary Committee.

Mr. Shurtleff offered the following resolution :

*Resolved.* By the Senate, the Assembly concurring. That Hiram Clock be appointed Assistant Fireman, at four dollars per day, to date from January sixth, eighteen hundred and sixty-two, the amount to be paid, one half from the Contingent Fund of the Senate, and one half from the Contingent Fund of the Assembly.

Referred to Committee on Contingent Expenses.

Mr. Soule, by unanimous leave, introduced a bill for an Act supplementary to an Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned, approved April twenty-second, eighteen hundred and sixty-one.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

Mr. Lewis, by unanimous consent, introduced a bill for an Act providing for the times of holding terms of Court in the Sixteenth Judicial District.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and Forty-Fifth Rule suspended.

On motion of Mr. Banks, Senate bills Nos. 22 and 425, relative to building wharves in San Francisco, were taken from the table, and referred to San Francisco delegation.

On motion of Mr. Rhodes, the Forty-Fifth Rule of the Senate was suspended during the remainder of the present session, except when otherwise ordered by the Senate.

#### GENERAL FILE.

Assembly bill No. 424, Senate bill No. 221, and substitute for the two bills, relating to the State Insane Asylum—ordered to top of file for April seventeenth.

Senate bill No. 211, an Act to amend an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 323, an Act to amend an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 108, an Act amendatory of and supplementary to an Act, passed April twenty-eighth, eighteen hundred and sixty, entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one—substitute adopted, read first and second times, rules sus-

pending, considered engrossed, read third time, and passed, and title amended.

Assembly bill No. 27, an Act to amend an Act entitled an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, passed May twentieth, eighteen hundred and sixty-one—amended, read third time, and passed, and title amended.

Assembly bill No. 157, an Act to amend an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one—recommitted to Committee on Corporations.

Mr. Baker moved to reconsider the vote by which the Senate on yesterday indefinitely postponed Assembly bill No. 254, an Act to license gaming and gaming houses.

Mr. Burnell moved to indefinitely postpone the motion to reconsider. Carried.

#### GENERAL FILE RESUMED.

Senate bill No. 354, an Act to authorize and empower Attorneys at Law to administer oaths in certain cases—was indefinitely postponed.

Senate bill No. 223, an Act to amend section twenty-five of an Act to regulate the settlement of the estates of deceased persons, etc.—was indefinitely postponed.

Senate bill No. 71, an Act to amend an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five—was indefinitely postponed.

Senate bill No. 230, an Act to create the office of Commissioner of Agriculture—was indefinitely postponed.

Senate bill No. 288, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—was indefinitely postponed.

Senate bill No. 85, an Act concerning domestic animals running at large in certain places—was indefinitely postponed.

Senate bill No. 326, an Act to amend an Act entitled an Act to provide for the obtainment, preservation, and distribution of vaccine matter, etc.—was indefinitely postponed.

Senate bill No. 267, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, etc—was recommitted to Committee on Corporations.

Assembly bill No. 26, an Act to repeal sections four and five of an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplemental to an Act concerning marks and brands—was read third time, and passed, and title amended.

Senate bill No. 346, an Act supplementary to an Act concerning lawful fences—was amended, ordered engrossed, and to be read third time.

Mr. Gallagher was granted indefinite leave of absence.

Senate bill No. 370, an Act to prevent the adulteration of food and liquors.

Mr. Kutz moved to indefinitely postpone.

Upon which motion, the ayes and noes were demanded, by Messrs. Hill, Williamson, and Baker, and taken, with the following result:

\* AYES—MESSRS. Burnell, Denver, Holden, Irwin, Kutz, Merritt, Warmcastle, and Williamson—8.

NOES—Messrs. Baker, Banks, Chamberlain, Crane, Harriman, Hathaway, Hill, Kimball, Nixon, Perkins, Porter, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, and Watt—18.

The rules were suspended, bill considered engrossed, read third time, and passed.

Senate bill No. 369, an Act to create the office of State Microscopographer—was amended, rules suspended, considered engrossed, and read third time.

Mr. Van Dyke moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Lewis, and Van Dyke, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Denver, Harvey, Harriman, Hathaway, Heacock, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—25.

NOES—Messrs. Baker, Crane, Perkins, and Porter—4.

Senate bill No. 433, an Act to purchase certain vines, and provide for the distribution of the same.

Mr. Porter moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. Hill, Chamberlain, and Oulton, and taken, with the following result :

AYES—Messrs. Banks, Chamberlain, Crane, Denver, Harvey, Harriman, Hathaway, Kimball, Lewis, Nixon, Oulton, Parks, Perkins, Porter, Powers, Rhodes, Soule, Van Dyke, Warmcastle, and Watt—20.

NOES—Messrs. Bogart, Burnell, Heacock, Hill, Holden, Irwin, Shafter, Shurtleff, and Vineyard—9.

Assembly bill No. 324, an Act supplemental to an Act to create the office of State Geologist, and to define the duties thereof, approved April twenty-first, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 133, an Act providing for the appointment of Notaries Public, and to define their duties.

Mr. Watt moved to place the bill at top of file for to-morrow.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Merritt, and Denver, and taken, with the following result :

AYES—Messrs. Bogart, Denver, De Long, Harvey, Heacock, Holden, Irwin, Merritt, Shurtleff, Vineyard, and Watt—11.

NOES—Messrs. Banks, Chamberlain, Crane, Harriman, Hathaway, Hill, Kimball, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Van Dyke—16.

Mr. De Long moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Bogart, and De Long, and taken, with the following result :

AYES—Messrs. Bogart, Denver, De Long, Harvey, Heacock, Holden, Irwin, Merritt, Shurtleff, Van Dyke, Vineyard, and Watt—12.

NOES—Messrs. Banks, Chamberlain, Crane, Harriman, Hathaway, Hill, Kimball, Kutz, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, and Soule—15.



## REPORTS.

Mr. Porter, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 329, an Act to make county warrants receivable in payment of taxes in Tulare County;

Also, Senate bill No. 393, an Act to authorize the Board of Supervisors of Contra Costa County to audit and allow the claim of W. R. Barber, and to levy a special tax;

Also, Senate bill No. 368, an Act to authorize the Executor of the estate of John Frye, deceased, to sell the real estate of said deceased at private sale;

Also, Senate bill No. 439, an Act to amend an Act to extend the provisions of an Act concerning hogs found running at large in certain counties;

Also, Senate bill No. 397, an Act to grant the right of way to construct a toll bridge across Bear River, at or near McCourtney's Crossing, in the Counties of Nevada and Placer;

Also, Senate bill No. 340, an Act to provide for the construction of a wagon road, commencing at Antelope Springs, in the County of Amador, and running thence by the Safford Survey to Hope Valley, on the eastern slope of the Sierra Nevada Mountains;

Also, Senate bill No. 401, an Act to authorize and empower José Lorenzo de Jesus Maria Piña, a minor, to dispose of his interest in certain real estate in San Francisco;

Also, Senate bill No. 259, an Act to establish pounds in the County of Santa Clara;

Also, Senate bill No. 330, an Act fixing the salary of the County Auditor of Tulare County;

Also, Senate bill No. 306, an Act to appropriate certain funds;

Also, Senate bill No. 239, an Act for the relief of the legatees of A. De Leeur, deceased;

And this day, April sixteenth, eighteen hundred and sixty-two, at one o'clock, P. M., delivered the same to the Governor, for his approval.

PORTER, Chairman.

Mr. Rhodes made the following report:

Mr. PRESIDENT:—Your Joint Special Committee, appointed by concurrent resolution for that purpose, have had enrolled a perfectly correct copy of the amendments to the Constitution proposed by the Legislature at its twelfth session, and adopted and agreed to by the present Legislature, as compared with the Journals of the two Houses and the engrossed copy; and the said enrolled copy, signed by the President of the Senate and the Speaker of the Assembly, and attested by the Secretary of the Senate and the Clerk of the Assembly, the Committee have placed in the hands of the Governor, to be attested by him, and deposited among the archives of the State, in the office of the Secretary of State.

A. L. RHODES,

A. M. CRANE,

Senate Committee.

T. W. MACHIN,

J. G. McCULLOUGH,

Assembly Committee.

Consideration of Assembly bill No. 133, resumed.

Mr. Hathaway moved to place the bill at the top of the file for to-morrow.

Carried.

On motion of Mr. Merritt, at three o'clock and forty-five minutes, P. M. the Senate adjourned.

J. McM. SHAFTER,

President pro tem. of the Senate

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, April 17th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Warmcastle was granted three days leave of absence, and Messrs Quint and Williamson indefinite leave.

## REPORT.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred the resolution relating to the trial of James H. Hardy, impeached by the Assembly of California, beg leave to report, that they have had the same under consideration, and herewith report the Rules to be observed during said trial of Impeachment, and recommend their adoption.

A. L. RHODES, Chairman.

The following Rules, as amended, were adopted, and the usual number of copies ordered printed :

## RULES OF THE SENATE.

For the trial of James H. Hardy, Judge of the Sixteenth Judicial District, Impeached for Misdemeanors in office, by the Assembly of the State of California, at its thirteenth session, A. D. eighteen hundred and sixty-two :

### I.

Subpoenas shall be issued by the Secretary of the Senate, upon application of the Managers of the Impeachment, or party impeached, or of his Counsel, upon the certificate of the President of the Senate, that the same are necessary and proper witnesses upon the trial of said Impeachment, and no other witnesses than those thus authorized, shall be sub-

pœnaed to attend such trial. Such materiality shall be proved to such President by affidavit, showing in substance the testimony expected to be given by such witness, or by other competent evidence. Service of such subpoenas shall be made in such manner as the President of the Senate shall direct.

## II.

The President of the Senate shall direct all necessary preparations in the Senate Chamber, and all forms of proceedings while the Senate is sitting, for the purpose of trying said Impeachment, and all forms during the trial not otherwise specially provided for by the Senate.

## III.

At eleven o'clock of the day appointed for the return of the summons against the person impeached, the Legislative and Executive business of the Senate shall be suspended.

## IV.

The person impeached shall then be called to appear and answer the Articles of Impeachment against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by Agent or Attorney, naming the person appearing, and the capacity in which he appears. If he does not appear, either personally or by Agent or Attorney, the same shall be recorded.

## V.

At eleven o'clock of the day appointed for the trial of said Impeachment, the Legislative and Executive business of the Senate shall be postponed. The Secretary shall then administer the following oath or affirmation to the President:

"You do solemnly swear, that you will truly and impartially hear, try, and determine, the Impeachment presented by the Assembly of the State of California, against James H. Hardy, Judge of the Sixteenth Judicial District of said State, and that you will true judgment render therein, according to the evidence given upon such trial, and according to law. So help you God."

And the President shall administer said oath to each and every Senator present.

## VI.

The Secretary shall then give notice to the Assembly, that the Senate is organized as a Court of Impeachment, and is ready to proceed upon the Impeachment of James H. Hardy, in the Senate Chamber.

## VII.

Counsel for the parties shall be admitted to appear and be heard upon the Impeachment.

## VIII.

All motions made by the parties, or their Counsel, shall be addressed to the President of the Senate, and, if he shall require it, shall be com-

mitted to writing, and read at the Secretary's table, and shall be decided by the President. If any Senator, or either party, demand the decision of the Senate upon any question of evidence, or proceeding, which shall arise, such decision shall be taken without debate.

## IX.

All witnesses shall be examined by the party producing them, and then cross examined in the usual form.

## X.

If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place.

## XI.

At all times while the Senate is sitting upon the trial of the Impeachment, the doors of the Senate chamber shall be kept open until the final argument by the Counsel of the parties is closed. All persons unconnected with said trial shall be excluded from within the bar of the Senate during said trial, except ladies and Reporters.

## XII.

Any Senator shall have the right to ask questions of a witness under examination.

## XIII.

No smoking shall be allowed within the bar of the Senate during said trial.

On the adoption of the Thirteenth Rule, the ayes and noes were demanded, by Messrs. Oulton, Chamberlain, and Watt, and taken, with the following result:

AYES—MESSRS. Banks, Chamberlain, Crane, Harriman, Hathaway, Irwin, Kutz, Merritt, Nixon, Oulton, Parks, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke and Watt—20.

NOES—MESSRS. Bogart, Burnell, De Long, Gaskill, Harvey, Holden, Kimball, and Vineyard—8.

## REPORTS.

Mr. Burnell, from the Committee on Engrossment, made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined Senate bill No. 346, an Act supplementary to an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five, and report the same correctly engrossed.

BURNELL, Chairman.

Mr. Porter, from the Committee on Enrolment, made the following report:



Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 310, an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco;

Also, Senate bill No. 288, an Act to repeal an Act entitled an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, and other matters relating thereto; and this day, April seven-teenth, eighteen hundred and sixty-two, at half past twelve o'clock, delivered the same to the Governor, for his approval.

PORTER, Chairman.

Mr. Rhodes, from the Judiciary Committee, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 292, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, beg leave to report that they have had the same under consideration, and recommend its indefinite postponement.

RHODES, Chairman.

#### GENERAL FILE.

Senate bill No. 300, an Act to authorize and sanction the consolidation and fusion of certain joint stock associations therein named—laid on table.

Assembly bill No. 133, an Act to provide for the appointment of Notaries Public, and defining their duties.

Mr. Lewis moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. Lewis, Crane, and Watt, and taken, with the following result:

AYES—MESSRS. Baker, Denver, Holden, Lewis, Merritt, Vineyard, and Watt—7.

NOES—MESSRS. Banks, Chamberlain, Crane, Harriman, Hathaway, Heacock, Irwin, Kimball, Kutz, Nixon, Oulton, Pacheco, Perkins, Porter, Powers, Rhodes, Shafter, and Soule—18.

The bill was read a third time.

On its passage, the ayes and noes were demanded, by Messrs. Merritt, Perkins, and Watt, and taken, with the following result:

AYES—MESSRS. Banks, Chamberlain, Crane, Harriman, Hathaway, Heacock, Irwin, Kimball, Kutz, Merritt, Nixon, Oulton, Pacheco, Perkins, Porter, Powers, Rhodes, and Shafter—19.

NOES—MESSRS. Baker, Denver, Holden, Lewis, Vineyard, and Watt—6.

Mr. Merritt gave notice of reconsideration.

#### MEMORIAL FROM JAMES H. HARDY.

The following memorial was received, read, and referred to the Judiciary Committee:

*To the Honorable Senate of the State of California:*

The undersigned most respectfully represents to your honorable body, that he has just seen the First Rule adopted by your Committee, and ap-

proved by the Senate, wherein it is required that the undersigned, who has been summoned to appear before your body to answer charges preferred against him, shall show, by affidavit, the evidence he expects to procure, before he can obtain the proper subpoenas for his witnesses. He most respectfully would ask that the rule referred to be changed.

The Sixth Article of Amendments to the Constitution of the United States, secures to the accused the right to compulsory process for his witnesses. If the Senate can say who shall be the witnesses of the accused, may they not say by resolution who shall not? If the Senate can say to the accused what number of his witnesses shall be summoned, may they not say whether he shall have any at all?

The Constitution of this State substantially secures the same right. In the trial of an impeachment, the Senate is organized as a Court, and is to be governed by the established law. That law requires the Clerk to issue blank subpoenas to the accused, as many as he likes.—(Sec. 551, Criminal Practice Act.)

A reference to the Act will show that this section is in the same Act that provides for impeachment.

He does not desire any advantage; will not ask for any delay. Is anxious for a speedy, open, full, and fair trial. But, to obtain that, he must have the process of the Court before which he is to be tried. He asks only the same rights that every citizen who ever was tried, or ever will be, has had and will have.

This petition is respectfully presented, believing that a mere statement of the case will direct the attention of the Senate to the rights of the petitioner.

JAMES H. HARDY.

Mr. Irwin, from Committee on Contingent Expenses, reported back Senate concurrent resolution No. 51, relative to the appointment of a Fireman, and recommended its adoption.

Resolution above reported was adopted.

Mr. Hathaway, from the Committee on Public Hospitals, made the following report:

Mr. PRESIDENT:—The undersigned, a minority of the Committee on Public Hospitals, concur in the foregoing report, except that portion which relates to a Branch Insane Asylum, or Infirmary, to which they are opposed, for the following, among other reasons:

In our opinion, the expenses of the Asylum at Stockton would not be materially lessened by withdrawing a portion of the patients. All of the official machinery for conducting the establishment must necessarily be retained as it now exists; while the expense to the State, should the removal be made, would be increased, at least, to the following extent:

Physician .....	\$3,000 00
Steward.....	1,500 00
Matron.....	1,500 00
Secretary.....	900 00
Carpenter.....	900 00
Watchman.....	600 00
Chief Cook.....	600 00
Baker, .....	600 00

Laundress.....	480 00
Subsistence for the above officers.....	3,000 00
Transporting patients.....	1,000 00
Fitting and repairing building for reception of patients.....	5,000 00
Total.....	\$19,080 00

The above estimate for fitting up and repairing the building at Marysville, is the lowest estimate we have heard named by any member of the Hospital Committee.

The expenses of the second and subsequent years will be decreased by the sum of six thousand dollars, allowed above for transporting patients and fitting up building to receive them, leaving as a permanent addition to our Hospital expenses, at the lowest estimate that can safely be made, the sum of thirteen thousand and eighty dollars per annum.

This amount, of itself, granting that there will be no extra expense or extravagance, would, in a few years, make all the improvements at Stockton, that the necessities of the Asylum can require.

In addition to this extra expenditure, the establishment of a State Infirmary will have a tendency to attract to that Institution a large number of patients properly chargeable to the various counties, who should be maintained as paupers rather than as insane patients.

By expending at Stockton the sum of five thousand dollars, in placing a substantial board fence around the entire Hospital grounds, you would relieve the Asylum, during a large portion of the time, of nearly all the patients proposed to be removed to the Infirmary, and at the same time conduce to their health and comfort, and eventually to their permanent cure.

An additional expenditure of the sum of twenty thousand dollars, in the erection of a gymnasium, and other such accommodations, required in every institution, for the comfort of the patients, will furnish, for the present, every requisite for the purposes of the Institution and for the future so add to the curative facilities of the Asylum that the number of patients will, year by year, be decreased.

We therefore recommend the passage of Assembly bill No. 424, and the substitute for Senate bill No. 221, as amended.

HATHAWAY,  
BANKS.

Assembly bill No. 424, and Senate bill No. 221, relative to the insane of California.

Mr. Chamberlain moved a call of the Senate.

Carried.

Absent—Messrs. Heacock, Crane, Porter, Powers, and Watt.

On motion of Mr. Oulton, further proceedings under the call were dispensed with.

On the adoption of a substitute for both of the above bills, the ayes and noes were demanded, by Messrs. Chamberlain, Perkins, and Hathaway, and taken, with the following result:

AYES—Messrs. Baker, Bogart, Burnell, Denver, De Long, Harvey, Heacock, Irwin, Kimball, Kutz, Nixon, Parks, Rhodes, Shurtleff, Van Dyke, and Vineyard—16.

NOES—Messrs. Banks, Chamberlain, Crane, Harriman, Hathaway, Oulton, Perkins, Shafter, and Watt—9.

The substitute was then read first and second times, rules suspended, considered engrossed, read third time, and by unanimous consent of the Senate, was amended by adding the following section:

“An Act for the establishment and erection of a State Reform School, approved April fourteenth, eighteen hundred and fifty-nine, is hereby repealed.”

Upon its passage, the ayes and noes were demanded, by Messrs. Perkins, Chamberlain, and Hathaway, and taken, with the following result:

AYES—Messrs. Baker, Bogart, Burnell, De Long, Harvey, Heacock, Holden, Irwin, Kimball, Kutz, Nixon, Oulton, Parks, Rhodes, Soule, Shurtleff, Van Dyke, and Vineyard—18.

NOES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Perkins, Shafter, and Watt—9.

Mr. Parks offered the following resolution:

*Resolved*, That H. C. Kibbe be instructed to write up and complete the Appendix to the Senate Journals, and such other copying of the Senate as may be unfinished at the close of the present session, at the rate per folio paid in the years eighteen hundred and sixty and eighteen hundred and sixty-one, and when completed, deliver the same to the Secretary of State.

Mr. Shafter moved to refer to a Special Committee of three.

Carried.

The Chair (Mr. Irwin) appointed Messrs. Parks, Harvey, and Kimball, as such committee.

On motion of Mr. Bogart, at twenty minutes past four o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, April 18th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Banks presented a memorial relative to our coast defences.

Referred to Military Committee.



## REPORTS.

Mr. Rhodes, from the Committee on Judiciary, made the following report :

Mr. PRESIDENT :—Your Committee on Judiciary, to whom was referred the memorial of Hon. James H. Hardy, respecting one of the Rules of the Senate, in cases of Impeachment, would respectfully report that they have had the same under consideration, and that they are of the opinion that Rule Number One, referred to in the memorial, ought not to be materially changed.

There can be no doubt that the defendant in any criminal prosecution is entitled to have the process of the proper Court to procure the attendance of such witnesses as may be necessary for his defence, and for that purpose may require blank subpoenas to be issued, and may have compulsory process, when the same is necessary, to enforce the attendance of witnesses. The exercise, however, of this right of the defendant, does not require that the Court shall undertake to secure the attendance of persons as witnesses whose testimony is neither material nor necessary to the defence in such prosecution ; nor would it be proper, in the opinion of your Committee, for the Senate, sitting as a Court for the trial of Impeachments, to directly or indirectly charge the State with the expense of procuring the attendance of persons as witnesses, or of their fees and mileage, when their testimony would not be material or necessary for the defendant on the trial.

The Senate, by the exercise of a sound discretion in procuring the attendance of witnesses, can do justice to the State, as well as to the persons who may be named as witnesses, for either party.

The defendant may have as many blank subpoenas issued as he may require, and may insert therein the names of such persons as he chooses, he using the ordinary means furnished by the law to procure their attendance as witnesses, and he being responsible for the expense attending the same, but the Senate ought not to undertake to furnish means to procure the attendance of persons who may not be necessary as witnesses, or to be responsible for their voluntary or compulsory attendance.

There can be no doubt that when the compulsory process of any Court is demanded for the purpose of procuring the attendance of a witness, the Court may properly require that the materiality and necessity of the testimony of the proposed witness be shown before the issuance of the process.

The Senate cannot rightfully say which one of a number of persons shall be summoned as a witness to prove a particular fact, but they properly could and should say that they would not procure or enforce the attendance of the whole number of such persons, when one of them was sufficient to prove the proposed fact, and that they would not procure or enforce the attendance of any person as a witness whose testimony would not be material to any issue in the matter of this Impeachment.

A. L. RHODES, Chairman.

Adopted.

Mr. Rhodes, from the Committee on Claims, made the following report :

Mr. PRESIDENT :—The Committee on Claims have had under consideration Assembly bill No. 462, being an Act to appropriate money to pay

the claims of witnesses summoned to testify in the Hardy Impeachment case. It allows the witnesses five dollars per day, and twenty cents for mileage. They report the bill back, without recommendation.

PARKS, Chairman.

Mr. Denver, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 372, an Act for the collection of taxes due on consigned goods, and at fifteen minutes before three o'clock, P. M., on this day, delivered the same to the Governor, for his approval.

DENVER, for Committee.

Mr. Banks, from the Committee on Corporations, made the following report:

MR. PRESIDENT:—The Committee on Corporations, to whom was referred Senate bill No. 267, an Act to amend the general Railroad Act, having had the same under consideration, ask leave to present the following report:

By the bill it is proposed to enable the Directors to make the by-laws, and it is also proposed to give railroad companies the right to borrow money without the payment of ten per cent. on their capital stock, which they are now required to pay before they can borrow money.

Although there are several precedents for the passage of an Act of this character, your Committee, after mature consideration, have arrived at the conclusion that it would be unsafe to make the change proposed, and they therefore recommend that the bill do not pass.

BANKS, by order of Committee.

Senate bill No. 267, above reported, ordered to top of file for to-day.

Mr. Chamberlain made a verbal report, recommending the indefinite postponement of Senate bill No. 375, an Act for the encouragement of agriculture.

Bill above reported, indefinitely postponed.

Mr. Hathaway, from the San Francisco delegation, made the following report:

MR. PRESIDENT:—The San Francisco delegation, to whom was referred Assembly bill No. 355, having had the same under consideration, respectfully report the bill back, with the following amendments, and recommend its passage as amended.

HATHAWAY, for Delegation.

Mr. Banks, from the San Francisco delegation, made the following report:

MR. PRESIDENT:—The undersigned, a member of the San Francisco delegation, to whom was referred sundry bills providing for the construction of wharves in the City and County of San Francisco, having had the same under consideration, ask leave to present the following report:

I believe that when it is clearly requisite that such franchises should be conferred to individuals, or incorporated companies, the right to enjoy

them should be opened to free public competition, and under suitable restrictions awarded to those who will accept their use for the shortest period, or pay into the Treasury the largest annual or other compensation.

Believing these positions to be correct, I am opposed to the making of special wharf grants, and hence I propose an amendment to Senate bill No. 425, and recommend its passage as amended.

The amendment, which is a substitute for all after the enacting clause, provides for a well guarded system of water front improvement, based on a survey, and plans and specifications, and for thorough competition in letting out the wharf privileges; and it also secures competition between the lessees of the different wharves, after said wharves shall have been leased.

J. A. BANKS.

Mr. Perkins, from the San Francisco delegation, made the following report:

MR. PRESIDENT:—The Francisco delegation, to whom was referred Assembly bill No. 433, an Act to authorize John S. Williams and his associates to construct a wharf in the City and County of San Francisco, have had the same under consideration, amended the same, and recommend its passage as amended.

R. F. PERKINS, Per order.

Assembly bill No. 433, above reported, amended, read third time, and passed.

Mr. Parks, by unanimous leave, introduced a bill for an Act to provide for the filing of a list of the lands claimed by the State under the provisions of the various Acts of Congress making donations to the State.

Read first and second times, rules suspended, amended, considered engrossed, read third time, and passed.

A memorial from the Supervisors of Tehama County was presented by the Chair.

The Secretary was directed to transmit the same to the Assembly.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 16th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 395, an Act supplemental to an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto;

Also, Senate bill No. 305, an Act to amend an Act entitled an Act in relation to trial jurors in the Court of Sessions and County Courts of certain counties in this State, approved April sixth, eighteen hundred and fifty-nine;

Also, Constitutional amendments;

Also, Senate bill No. 384, an Act to tax foreign insurance companies doing business in this State;

Also, substitute for Senate bill No. 147, an Act to amend an Act enti-

tled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-two;

Also, Senate bill No. 348, an Act to authorize the Register of the State Land Office to issue duplicate certificates of purchase to School or Swamp and Overflowed and Salt Marsh and Tide Lands, when the originals have been lost or destroyed;

Also, Senate bill No. 334, an Act concerning hogs running at large in Tulare County;

Also, Senate bill No. 440, an Act to change the name of Meyer Ciechanowiecki.

LELAND STANFORD, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER.

April 16th, 1862. }

Mr. PRESIDENT:—The Assembly have passed Senate bill No. 404, an Act in relation to public streets in the City of Sacramento;

Also, Senate bill No. 372, an Act for the collection of taxes due on consigned goods;

Also, Assembly bill No. 317, an Act to grant to T. J. Benoist and his associates the right to construct a wagon road in this State;

Also, Senate bill No. 232, an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned;

Also, Assembly bill No. 436, an Act to provide for the better care of indigent sick in the County of San Bernardino;

Also, on the sixteenth instant adopted Senate concurrent resolution No. 12, relative to Indian depredations in this State;

Also, on the sixteenth instant passed Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco;

Also, indefinitely postponed Senate bill No. 243, an Act to define the boundaries of Sutter County;

Also, passed Assembly bill No. 429, an Act to amend an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER,

April 17th, 1862. }

Mr. PRESIDENT:—The Assembly this day passed Assembly bill No. 460, an Act to regulate or abolish certain contracts for convict labor entered into by the late State Prison Directors;

Also, passed Senate bill No. 444, an Act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them;

Also, passed Assembly bill No. 289, an Act concerning fees of witnesses in criminal cases in certain counties therein named;

Also, passed Assembly bill No. 283, an Act to appropriate money to pay the claim of Philip Cadue, for coal furnished the Supreme Court and State Library in the year eighteen hundred and sixty.

W. N. SLOCUM,

Assistant Clerk.



ASSEMBLY CHAMBER, }  
April 18th, 1862. }

Mr. PRESIDENT :—The Assembly have concurred in Senate amendments to Assembly bills Nos. 26, 27, and 417 ;

Also, have appointed Messrs. Barton of Sacramento, Tilton of San Francisco, and Shannon, a Committee of Free Conference on the disagreeing vote of the two Houses on Senate amendments to Assembly bills Nos. 364 and 365 ;

Also, have appointed Messrs. Reese, Bigelow, and Van Zandt, a like committee on Senate amendments to Assembly bill No. 240 ;

Also, have appointed Messrs. Reeve, Collins, and Dore, a Committee of Free Conference on Senate amendments to Assembly bill No. 153, and ask the appointment of a similar committee on the part of the Senate.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 18th, 1862. }

Mr. PRESIDENT :—The Assembly have amended and passed Senate bill No. 224, an Act to appropriate money for the erection of a building for the Home of the Inebriate ;

Also, passed Senate substitute for Senate bill No. 311, an Act concerning the duties of County Treasurers ;

Also, passed Assembly bill No. 435, an Act to extend to the County of Klamath the provisions of an Act restricting the herding of sheep ;

Also, Senate No. 441, an Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, to the votes of the qualified electors at the next general election ;

Also, passed Senate bill No. 445, an Act providing for the times of holding terms of Court in the Sixteenth Judicial District ;

Also, passed Senate bill No. 446, an Act supplementary to an Act to change the time for holding municipal elections in San Francisco ;

Also, passed Assembly bill No. 313, an Act to authorize the Mayor and Board of Supervisors of San Francisco to construct a sewer in Fifth street, etc. ;

Also, passed Assembly bill No. 392, an Act to amend sections thirty-two and thirty-eight of an Act to provide revenue for the support of the Government of this State ;

Also, passed Assembly bill No. 445, an Act supplementary to an Act to establish, support, and regulate, Common Schools, etc. ;

Also, passed Assembly bill No. 446, an Act to establish and maintain a State Normal School ;

Also, passed Assembly bill No. 452, an Act to provide a special appropriation for the support of the Insane Asylum ;

Also, passed Assembly bill No. 463, an Act to repeal an Act amendatory of an Act for the government and protection of Indians ;

Also, passed Assembly bill No. 464, an Act to amend an Act for the government and protection of Indians.

W. N. SLOCUM,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 317, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 460, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 289, above reported, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 436, above reported, read first and second times, and laid on table.

Assembly bill No. 108, above reported, read first and second times, and placed on file.

Assembly bill No. 313, above reported, read first and second times, and placed on file.

Assembly bill No. 446, above reported, read first and second times, and placed on file.

Assembly bill No. 392, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 429, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 452, above reported, read first and second times, and referred to Finance Committee.

Substitute for Senate bill No. 311, with Assembly amendments, above reported, referred to Finance Committee.

Assembly bill No. 283, above reported, read first and second times, and referred to Committee on Claims.

Assembly bill No. 463, above reported, read first and second times, and referred to Committee on Military Affairs.

Assembly bill No. 464, above reported, read first and second times, and referred to Committee on Military Affairs.

Assembly bill No. 445, above reported, read first and second times, and referred to Committee on Education.

Messrs. Van Dyke, Gaskill, and Chamberlain, were appointed a Committee of Free Conference on the part of the Senate, on the disagreeing vote of the two Houses on Assembly bill No. 153, above reported.

Senate bill No. 224, above reported, Assembly amendments concurred in.

Mr. Crane, by unanimous leave, introduced a bill for an Act to legalize the assessment and levy of city taxes, and authorize the collection of the same, in the City of Oakland.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Porter, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 313, an Act for the regulation of the Telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages;

Also, Senate concurrent resolution No. 56, instructions to Adjutant-General relative to war vouchers; and this day delivered the same to the Governor, April seventeenth, eighteen hundred and sixty-two, at one o'clock, P. M.

GEORGE K. PORTER, Chairman.

## GENERAL FILE.

Assembly bill No. 449, relative to officers of Tehama County—referred to Finance Committee.

Senate bill No. 267, an Act to amend an Act to provide for the incorporation of railroad companies, and management of affairs thereof, etc.—indefinitely postponed.

Senate bill No. 346, an Act supplementary to an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five—read third time, and passed.

Assembly bill No. 137, an Act to amend an Act amendatory of and supplementary to an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty—amended, read third time, and passed, and title amended.

Assembly bill No. 372, an Act for the encouragement of agriculture and manufacture in California—amended, read third time, and passed.

Senate bill No. 441, providing for the submission of the proposed amendments to the Constitution to the people, was amended by unanimous consent, by striking out "four," in first section, and inserting "three."

## SPECIAL ORDER.

Assembly bill No. 282, an Act to provide for the better protection of farmers in certain portions of Sacramento County—amended, read third time, and passed.

Senate bill No. 220, an Act to provide for the issuance of a patent to Maurice J. Dooley, etc.—referred to Mendocino and Sutter delegations—reported back, with amendments—amendments adopted, bill read third time, and passed.

Senate bill No. 376, an Act concerning the redemption of county and city bonds—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 392, an Act fixing the salaries of the Governor's Private Secretary and of the Clerk in the Executive Department—amended, rules suspended, considered engrossed, read third time, and on its passage the ayes and noes were demanded, by Messrs. Denver, Holden, and Soule, and taken, with the following result:

AYES—Messrs. Baker, Banks, Harvey, Harriman, Hathaway, Heacock, Hill, Nixon, Perkins, Porter, Powers, Soule, and Shurtleff—13.

NOES—Messrs. Chamberlain, Crane, Denver, Holden, Oulton, Parks, Shafter, and Vineyard—8.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 18th, 1862. }

MR. PRESIDENT:—The Assembly, this day, adopted the following preamble and resolution:

WHEREAS, This Assembly desires to adjourn *sine die*, at an early day, *provided*, such action will not invalidate the proceedings to be had by the Senate in the matter of the Impeachment of James H. Hardy, now pending before that body; and, whereas, grave doubts exist as to the power

of the Senate to continue in session for the trial of said Impeachment after the final adjournment of the Assembly :

*Resolved*, That the Senate be and is hereby respectfully required to determine whether or not the adjournment of the Assembly would be any barrier to the trial of said Impeachment case, and to make known its determination in the premises, to this body.

W. N. SLOCUM,

Assistant Clerk.

Referred to the Judiciary Committee.

#### GENERAL FILE RESUMED.

Assembly bill No. 303, an Act to extend the time for the construction of the second line of telegraph between California and the Atlantic States—ordered to top of file for to-morrow.

Senate bill No. 300, relative to fusing certain joint stock associations—referred to San Francisco delegation.

Senate bill No. 374, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, etc.—indefinitely postponed.

Assembly bill No. 207, an Act to legalize the assessment of taxes for the fiscal year ending on the first day of March, eighteen hundred and sixty-two—read third time, and passed.

Senate bill No. 432, an Act supplemental to an Act concerning the office of Surveyor-General—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 149, relative to mechanics' liens—ordered to top of file for to-morrow.

Substitute for Senate bills Nos. 23 and 105, relative to State Gauger—adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Hill, at four o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Saturday, April 19th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Kutz and Porter were granted indefinite leave of absence.

Mr. Banks made a verbal report, recommending the passage of Assembly bill No. 157, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the



affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Mr. Banks also made a verbal report, recommending the passage of Senate bill No. 264, an Act to regulate the fusion of joint stock associations, with amendments.

Assembly bill No. 157, above reported, amended, read third time, and passed.

Mr. Merritt, by unanimous consent, introduced a bill for an Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Hill, by unanimous consent, introduced a bill for an Act to provide for the construction and maintenance of an iron railroad, from the New Landing, in the Town of Sonoma, along certain streets in said town and public roads in the County of Sonoma.

Read first and second times.

Mr. Crane moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. Crane, Chamberlain, and Oulton, and taken, with the following result:

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Hathaway, Kimball, Merritt, Oulton, Rhodes, Van Dyke, Warmcastle, and Watt—12.

NOES—Messrs. Baker, De Long, Harriman, Hill, Irwin, Nixon, Parks, Pacheco, Perkins, Powers, Shafter, Soule, Shurtleff, and Vineyard—14.

Mr. Crane moved that the bill be referred to the Judiciary Committee.

Carried.

• M. Warmcastle, by unanimous consent, introduced a bill for an Act to fix the terms of the Court of Sessions, County Court, and Probate Court, in the County of Contra Costa.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Denver, by unanimous consent, introduced a bill for an Act creating the officers of Township Collectors and Assessors in the County of El Dorado.

Read first and second times, rules suspended, considered engrossed, read third time, and ordered to top of file for April twenty-first.

On motion of Mr. Rhodes, the vote by which Senate bill No. 267, Corporation Act, was on yesterday indefinitely postponed, was reconsidered, and the bill was referred to Committee on Corporations.

Mr. Nixon, by leave, introduced a bill for an Act relating to the New Helvetia Cemetery, of the City and County of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, and lost.

Mr. Perkins, from the Finance Committee, reported back Assembly bill No. 429, an Act to amend an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one.

Mr. Van Dyke made the following report:

MR. PRESIDENT:—The Committee of Free Conference on the disagreeing vote of the two Houses on Assembly bill No. 153, have had the same

under consideration, and recommend that the Assembly concur in Senate amendments to said bill.

VAN DYKE,  
CHAMBERLAIN,  
GASKILL,

On the part of Senate.

REEVE,  
COLLINS,  
DORE,

On the part of Assembly

The following papers, relative to the Hardy Impeachment case, were presented to the Senate:

STATE OF CALIFORNIA, }  
City and County of San Francisco. }

In the matter of the Impeachment }  
of }  
James H. Hardy. }

James H. Hardy, being duly sworn, says, on his oath, that the following named witnesses are material to his defence on the trial of the Impeachment herein, viz.: John O'Neal, David F. Douglass, Hon. Charles M. Creanor, Dr. W. D. Aylett, and William Hood, of San Joaquin County; Charles T. Botts, George P. Gillis, Thomas A. Talbert, David Maddux, C. W. Lightner, H. O. Beatty, Tod Robinson, and Hons. W. W. Cope and Stephen J. Field, of Sacramento County; Andrew Goodyear and R. Winn, of Solano County; Bolivar Harris, D. Taylor, with the records of the District Court, Seventh District, J. H. Harrolson, V. Doub, Judge Frink, and — Hanson, of Marin County; J. B. Southard, of Sonoma; W. P. Jones, of Trinity; Fred. Weston, with the records and certain papers of the Sixteenth District Court, R. H. Paul, Sheriff, A. W. Genung, Deputy Clerk, W. H. Hanford, ex-Clerk, Charles D. Squires, ex-Deputy Clerk, Wm. F. Moss, B. F. Marshall, J. C. Scribner, J. Benjamin, John Sullivan, M. Gearry, Wm. Irvine, Geo. Leger, Henry Ball, A. C. Adams, R. Kincaid, J. K. Doak, Isaac Levy, M. W. Hall, S. Tooman, of Calaveras; J. W. Bicknell, Clerk, Robert Cosner, Sheriff, M. W. Gordon, County Judge, W. H. Helson, John Banks, C. D. Horn, Terrence Masterson, E. A. Kingsley, J. H. Randolph, G. R. Walker, J. W. Armstrong, H. A. Carter, Thomas Jones, William Welsh, Hon. Thomas O'Brien, Hon. G. W. Seaton, George O. Perry, George Kuss, F. Shober, and J. Silver, of Amador; excepting Hon. Thomas O'Brien, of Calaveras.

That he expects to disprove, by a portion of said witnesses, the several Articles of Impeachment, and that the records called for are material in that regard. That the several witnesses will testify some to one point, and some to others, and that not more than five are asked with reference to any one point of the accusation. He expects to prove by others his own character for honesty and integrity, and by others he expects to prove that the character of certain of the witnesses against him, for truth and veracity, is notoriously bad, and thereby discredit the evidence. And affiant further says, that though the number of the witnesses is great, that he sincerely believes that it is important to the ends of justice that they all be subpoenaed and examined in this case. He does not ask it for vexation or delay, but that justice may be done.

And further says, that without all the witnesses asked, justice cannot be done.

JAMES H. HARDY.

Sworn to and subscribed before me this nineteenth day of April, eighteen hundred and sixty-two.

J. McM. SHAFTER,  
President pro tem. of the Senate.

SAN FRANCISCO, April 19th, 1862.

DEAR SIR:—I have examined the affidavits handed me by you this morning. I am not satisfied that the affidavit complies with the order of the Senate, and accordingly refuse to certify to the Secretary of the Senate.

Yours, etc.,

J. McM. SHAFTER,  
President pro tem. of the Senate.

Hon. J. H. HARDY.

*To the Honorable Senate of the State of California :*

This morning I presented to the President of the Senate, an affidavit containing the names, and stating the residence of my witnesses, and showing their materiality. In reply, I received the accompanying note, without comment or suggestion. I now refer the matter to the Senate, and ask consideration of the subject.

Respectfully,

JAMES H. HARDY.

P. S.—If I am to be allowed any witnesses in my defence, it is important that the subpoenas be issued this afternoon.

JAMES H. HARDY.

*To the Honorable Senate :*

Having heard a portion of the discussion on my communication, I desire to say that I have not asked for compulsory process—I only ask ordinary subpoenas, and will state that the witnesses named are all that I shall require, so far as I know, except witnesses in San Francisco. And should I need any further evidence, I will, in due time, make the further showing.

JAMES H. HARDY.

The first rule adopted by the Senate for the trial of James H. Hardy was amended, so as to read as follows :

# I.

Compulsory process shall be issued by the Secretary of the Senate, upon application of the managers of the Impeachment, or the party impeached, or of his Counsel, upon the certificate of the President of the Senate that the same are necessary and proper witnesses upon the trial of said Impeachment, and no other witnesses than those thus authorized

shall be compelled to attend such trial. Such materiality shall be proved to such President by affidavit, showing, in substance, the testimony expected to be given by such witness, or by other competent evidence. Service of such compulsory process shall be made in such manner as the President of the Senate shall direct. But blank subpoenas shall be issued by the Secretary on the application of the managers, or the accused.

Mr. Chamberlain offered a concurrent resolution relative to adjourning *sine die* on the twenty-second of April.

Mr. Rhodes moved to lay upon the table.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Watt, and Gaskill, and taken, with the following result:

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harvey, Hathaway, Kimball, Nixon, Oulton, Parks, Perkins, Rhodes, Shafter, and Van Dyke—14.

NOES—Messrs. Baker, Burnell, Denver, De Long, Gallagher, Harriman, Heacock, Holden, Irwin, Lewis, Merritt, Pacheco, Powers, Soule, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—19.

On the adoption of the resolution, the ayes and noes were demanded, by Messrs. Vineyard, Chamberlain, and Oulton, and taken, with the following result:

AYES—Messrs. Chamberlain, Kimball, Oulton, and Soule—4.

NOES—Messrs. Baker, Banks, Burnell, Crane, Denver, De Long, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Holden, Irwin, Lewis, Merritt, Nixon, Parks, Pacheco, Powers, Rhodes, Shafter, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—28.

Mr. Perkins declined to vote, and upon motion of Mr. Merritt, he was excused.

Mr. Soule moved to reconsider the vote by which Assembly bill No. 433, an Act to authorize John S. Williams to construct a wharf in San Francisco, was, on yesterday, indefinitely postponed.

Mr. Irwin moved to make the motion the special order for April twenty-first, at eleven o'clock and thirty minutes, A. M.

Carried.

On motion of Mr. Denver, at three o'clock P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

, IN SENATE.

SENATE CHAMBER,  
Monday, April 21st, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.



Journal of Saturday read and approved.

Messrs. Harriman and Chamberlain had one day leave of absence, each.

#### REPORTS.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Senate bill No. 451, an Act to provide for the construction and maintenance of an iron railroad, from the New Landing, in the Town of Sonoma, along certain streets, etc., beg leave to report, that they have had the same under consideration, and recommend that it be indefinitely postponed, on the ground that if passed, it would be unconstitutional and void.

A. L. RHODES.

Mr. Van Dyke, from the Committee on Military Affairs, made the following report :

MR. PRESIDENT:—The Committee on Military Affairs, to whom was referred Assembly bill No. 463, an Act to repeal an Act amendatory of an Act entitled an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty ;

Also, Assembly bill No. 464, an Act to amend an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty ; having had the same under consideration, report them back, and recommend their passage.

VAN DYKE, Chairman.

Mr. Gallagher made a verbal report, recommending the passage of Senate bill No. 445, an Act supplementary to an Act to establish, support, and regulate, common schools, etc.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 18th, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 271, an Act to authorize the re-issue of a certain lost school warrant ;

Also, Senate bill No. 350, an Act to amend an Act entitled an Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine ;

Also, Senate bill No. 174, an Act for the relief of E. B. Ryan, Assessor for the City and County of Sacramento ;

Also, Senate bill No. 429, an Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claim of Robert Nixon Junior ;

Also, Senate bill No. 405, an Act to regulate artesian wells in the County of Santa Clara ;

Also, Senate bill No. 366, an Act to provide for the establishment, maintenance, and protection of public and private roads in the County of Santa Cruz;

Also, Senate bill No. 422, an Act making appropriations for deficiencies made for the thirteenth fiscal year, ending June thirtieth, A. D. eighteen hundred and sixty-two;

Also, Senate bill No. 131, an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 19th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 246, an Act to amend an Act entitled an Act authorizing Charles H. Brinley, Andres Pico, and James R. Vineyard, to build and construct a turnpike road from the ex-Mission of San Fernando, across the Mountains of San Fernando, to the Arroyo de Santa Clara, in Los Angeles County, approved May seventh, eighteen hundred and sixty-one;

Also, Senate bill No. 324, an Act to grant the right of way to construct a toll bridge across Bear River to certain parties therein named;

Also, Senate bill No. 340, an Act to provide for the construction of a wagon road, commencing at Antelope Springs, in the County of Amador, and running thence, by the Safford Survey, to Hope Valley, on the eastern slope of the Sierra Nevada Mountains;

Also, Senate bill No. 313, an Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages;

Also, Senate bill No. 357, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Salmon Falls, in the County of El Dorado;

Also, Senate bill No. 95, an Act to authorize Mrs. Mary Comstock, and her minor children, Bertha Comstock, John Felt Osgood Comstock, and George Comstock, to sell their homestead;

Also, Senate bill No. 281, an Act to grant to H. J. May, Charles M. Baxter, William Kohl, and others whom they may associate with them, and their assigns, the right to lay a railroad track along certain streets in the City of Petaluma, and through a public road in the County of Sonoma;

Also, Senate bill No. 254, an Act to authorize Joseph M. Wood, his associates, and their assigns, to build a wharf in the City and County of San Francisco;

Also, Senate bill No. 143, an Act to authorize the sale of real estate belonging to the estate of Henry P. Haun, deceased, at public or private sale;

Also, Senate bill No. 314, an Act to fund the indebtedness of the County of Mariposa, now existing in the form of County Auditors' warrants drawn on the Indigent Sick Fund, and that may be outstanding on the first day of September, A. D. eighteen hundred and sixty-two, and to provide for the payment of the same.

LELAND STANFORD, Governor.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
April 10th, 1862. }

Mr. PRESIDENT:—The Assembly, on the ninth of April, passed Senate bill No. 218, an Act to authorize and direct the State Capitol Commissioners to cancel and annul the contract for building the foundation and basement walls of the State Capitol building, at Sacramento, and to settle with the contractors therefor.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 18th, 1862. }

Mr. PRESIDENT:—The Assembly have concurred in Senate amendments to Assembly bill No. 137, concerning forcible entries and unlawful detainers;

Also, passed Senate bill No. 370, an Act to prevent the adulteration of food and liquors;

Also, passed Assembly bill No. 386, an Act for the relief of William W. Lombard;

Also, amended and passed Senate bill No. 403, an Act to audit and allow the claim of T. J. A. Chambers;

Also, adopted Assembly concurrent resolution No. 35, a vote of thanks to Major-General Henry W. Halleck;

Also, have adopted Assembly concurrent resolution No. 34, granting to the County Recorder of Santa Clara County, leave of absence from the State, during a portion of his term of office;

Also, concurred in Senate amendments to Assembly bill No. 352, an Act repealing Article four of an Act to consolidate the government of the City and County of San Francisco, etc.;

Also, refused to concur in Senate amendments to Assembly bill No. 372, an Act for the encouragement of agriculture and manufactures in California;

Also, concurred in Senate amendments to Assembly bill No. 441, an Act to provide for the submission of the proposed amendments to the Constitution, to the vote of the people.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 19th, 1862. }

Mr. PRESIDENT:—The House yesterday passed Assembly bill No. 414, an Act to provide for the maintenance and government of the State Reform School;

Also, this day amended and passed Senate bill No. 266, an Act to authorize the Board of Supervisors of the City and County of San Francisco to examine certain claims.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 21st, 1862. }

Mr. PRESIDENT:—The House, on the nineteenth instant, passed Assem

bly bill No. 284, an Act to provide for an equitable adjustment of claims arising from indebtedness of the County of Contra Costa, outstanding at the date of the organization of the County of Alameda, and for apportioning any award made thereon.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 284, above reported, read first and second times, and referred to Committee on Claims.

Assembly bill No. 386, above reported, read first and second times, and referred to Committee on Claims.

Assembly concurrent resolution No. 34, above reported, was concurred in.

Assembly concurrent resolution No. 35, above reported, was concurred in.

The Senate receded from its amendments to Assembly bill No. 372, above reported.

Assembly bill No. 414, above reported, read first and second times, and referred to Committee on State Hospitals and the Committee on Public Buildings.

The Senate concurred in Assembly amendments to Senate bill No. 403, above reported.

#### INTRODUCTION OF BILLS.

Bills, by unanimous consent, were introduced as follows:

By Mr. Harvey, for an Act to legalize and confirm a certain instrument, recorded in the County Recorder's office of the City and County of San Francisco, and to authorize O. A. Palmer, as Attorney, to convey certain lands.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Lewis, for an Act to authorize the Tax Collector of Calaveras County to retain a certain per centage of all taxes collected by him that may be levied upon the taxable property of said county by the laws of this State for State and county purposes.

Read first and second times, and referred to Calaveras delegation.

By Mr. Vineyard, for an Act to authorize Rita de la Osa to sell certain real estate.

Read first and second times, and referred to the Judiciary Committee.

#### SPECIAL ORDER.

The motion to reconsider the vote by which Assembly bill No. 433, was passed on the eighteenth instant, (special order for this day,) was carried, the bill referred to San Francisco delegation, with special instructions, reported back, with amendments, amended, and passed.

Mr. Gaskill offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be and he is hereby allowed seventy dollars to cover a deficiency which has occurred in his postage accounts of the Senate, the same to be paid out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses.



## REPORTS.

Mr. Perkins, from the Committee on Finance, made the following report:

Mr. PRESIDENT:—The Committee on Finance, to whom was referred Assembly bill No. 452, have had the same under consideration, and report the same back, with an amendment, and recommend its passage, as proposed to be amended.

R. F. PERKINS.

Assembly bill No. 452, above reported, recommitted to the Finance Committee.

Mr. Harriman, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 473, an Act to reincorporate the City of Stockton, and on this twenty-first day of April, at twelve and one-half o'clock, p. m., delivered the same to the Governor, for his approval.

HARRIMAN, for Committee.

## GENERAL FILE.

Senate bill No. 450, an Act creating the offices of Township Collectors and Assessors in El Dorado County—was passed.

Senate bill No. 84, an Act to amend an Act supplementary to an Act to prevent the trespassing of animals on private property—Assembly amendments concurred in.

Senate bill No. 361, an Act amendatory of an Act for the government of the State Prison convicts, etc.—indefinitely postponed.

Mr. Merritt gave notice of reconsideration.

Senate bill No. 173, an Act to provide for the incorporation of Canal Commissioners—substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 247, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 260, an Act concerning the amendment and repeal of statutes—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 176, an Act to amend an Act to regulate proceedings in criminal cases—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 365, an Act to amend an Act concerning Coroners, passed April nineteenth, eighteen hundred and fifty—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 171, an Act to amend an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts—indefinitely postponed.

Senate bill No. 299, an Act to exempt from forced sale and execution the property of persons in the United States Army—indefinitely postponed.

Senate bill No. 186, an Act concerning State Prison labor—*indefinitely postponed.*

Senate bill No. 122, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—*indefinitely postponed.*

Assembly bill No. 71, an Act amendatory of and supplementary to an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, etc.—*indefinitely postponed.*

Assembly bill No. 42, an Act to amend an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act to prevent the trespassing of animals upon private property, etc.—*indefinitely postponed.*

Senate concurrent resolution No. 21, asking Congress to extend certain laws to the protection of Indians in California—*indefinitely postponed.*

Senate bill No. 2, an Act concerning the Swamp and Overflowed, and Salt Marsh and Tide Lands donated to the State of California by Act of Congress, and concerning the Board of Commissioners, etc.—*indefinitely postponed.*

Senate bill No. 277, an Act to amend an Act to provide for the sale and reclamation of Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—*indefinitely postponed.*

Senate bill No. 91, an Act in relation to Swamp Land District Number Two, as established by the Board of Swamp Land Commissioners, etc.—*indefinitely postponed.*

Senate bill No. 88, an Act to amend an Act to provide for the reclamation and segregation of Swamp and Overflowed Lands, and Salt Marsh and Tide Lands, etc.—*indefinitely postponed.*

Senate bill No. 322, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State—*indefinitely postponed.*

Senate bill No. 390, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—*indefinitely postponed.*

Assembly bill No. 310, an Act requiring compensation for causing death by wrongful act, neglect, or default—*amended, read third time, and passed.*

Senate bill No. 359, an Act to amend the Act authorizing the Treasurer of State to issue bonds, etc.—*laid on the table.*

Senate bill No. 386, an Act to amend an Act to regulate proceedings in civil cases, and the several Acts amendatory thereof and supplemental thereto, etc.—*laid on the table.*

Senate bill No. 378, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—*amended, rules suspended, considered engrossed, read third time, and passed.*

Senate bill No. 382, an Act to regulate proceedings in civil cases, etc.—*amended, rules suspended, considered engrossed, read third time, and passed.*

Senate bill No. 263, an Act to amend sections one hundred and ninety-three and one hundred and ninety-four of Civil Practice Act.

On amending, by striking out the word "openly," in line seventeen,

section two, the ayes and noes were demanded, by Messrs. Heacock, Rhodes, and Denver, and taken, with the following result :

AYES—Messrs. Baker, Gaskill, Harriman, Kutz, Lewis, Merritt, Oulton, Parks, Perkins, Powers, Shafter, Soule, and Vineyard—13.

NOES—Messrs. Banks, Denver, Harvey, Hathaway, Heacock, Holden, Irwin, Nixon, Pacheco, Rhodes, Shurtleff, Van Dyke, Warmcastle, and Williamson—14.

Bill amended.

On ordering the bill engrossed and read third time, the ayes and noes were demanded, by Messrs. Parks, Oulton, and Van Dyke, and taken, with the following result :

AYES—Messrs. Banks, Denver, Harvey, Heacock, Holden, Nixon, Pacheco, and Rhodes—8.

NOES—Messrs. Baker, Gaskill, Harriman, Hathaway, Hill, Kutz, Lewis, Merritt, Oulton, Parks, Perkins, Powers, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, and Williamson—18.

Mr. Van Dyke gave notice of reconsideration.

Assembly bill No. 233, relative to exempt firemen—amended, read third time, passed, and title amended.

Senate bill No. 381, an Act to amend an Act concerning Courts of Justice, etc.

Pending consideration, on motion of Mr. Merritt, at three o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Tuesday, April 22d, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Leave of absence, for one day each, was granted to Messrs. Crane and Warmcastle, and Mr. De Dong was granted indefinite leave of absence.

Mr. Harriman, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 441, an Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one and adopted by the Legislature of eighteen hundred and sixty-two, to

the votes of the qualified electors at the next general election, and, on April nineteenth, eighteen hundred and sixty-two, at half past twelve o'clock, P. M., delivered the same to the Governor, for his approval.

HARRIMAN.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 21st, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 241, an Act to appropriate money for the relief of destitute females in the State of California;

Also, Senate bill No. 57, an Act appropriating moneys for the benefit of certain orphan asylums in this State;

Also, Senate bill No. 218, an Act in relation to the construction of the State Capitol building, and to annul contracts heretofore entered into;

Also, Senate bill No. 310, an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco.

LELAND STANFORD, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
April 21st, 1862. }

MR. PRESIDENT:—The Assembly, this day, passed Assembly bill No. 223, an Act to provide for the payment of the sum of two hundred dollars to each of the six Locating Agents of the State of California.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 21st, 1862. }

MR. PRESIDENT:—The Assembly, on the seventeenth instant, passed Assembly bill No. 367, an Act to authorize the construction of a wagon road from Wood's Bar to Highland Flat, in the County of Stanislaus;

Also, on the eighteenth instant passed Assembly bill No. 469, an Act to transfer and legalize certain records in the County of Mono.

W. N. SLOCUM,

Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 223, above reported, was read first and second times, and referred to the Committee on Claims.

Assembly bill No. 367, above reported, was read first and second times, and referred to the Mariposa and Stanislaus delegation.

Assembly bill No. 469 was read first and second times, and placed on file.

GENERAL FILE.

Assembly bill No. 303, an Act to extend the time for the construction



of the second telegraph line between California and the Eastern States—was indefinitely postponed.

Mr. Parks gave notice of reconsideration.

Assembly bill No. 149, an Act in relation to liens of mechanics and others—considered as in Committee of the Whole, reported without amendment, and ordered to top of the file for Wednesday, April twenty-third.

Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco—read third time, and, on its passage, the ayes and noes were demanded, by Messrs. Hathaway, Banks, and Denver, and taken, with the following result:

AYES—Messrs. Baker, Burnell, Denver, Gallagher, Gaskill, Heacock, Holden, Irwin, Lewis, Nixon, Park, Perkins, Powers, Soule, Shurtleff, Van Dyke, Vineyard, Watt, and Williamson—19.

NOES—Messrs. Banks, Harvey, Hathaway, Kutz, Rhodes, and Shafter—6.

\* Assembly bill No. 313, an Act to authorize the Mayor and Board of Supervisors of the City and County of San Francisco to construct a sewer in Fifth street, and for that purpose to have surveys made, and to assess certain lands to pay the expenses incident thereto—read third time, and passed.

Senate bill No. 425, an Act to authorize George W. Frink to construct and maintain a wharf in the City and County of San Francisco.

Mr. Soule moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. Banks, Parks, and Soule, and taken, with the following result:

AYES—Messrs. Baker, Denver, Gaskill, Harriman, Holden, Kutz, Lewis, Oulton, Perkins, Powers, Soule, Shurtleff, Vineyard, Watt, and Williamson—15.

NOES—Messrs. Banks, Crane, Parks, and Rhodes—4.

Senate bill No. 426, an Act to fix the times of holding the terms of the District Court of the Seventh Judicial District, in Solano County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 451, an Act to provide for the construction and maintenance of an iron railroad from the New Landing, near the Town of Sonoma, along certain streets in said town, and public roads in the County of Sonoma—laid on the table.

Assembly bill No. 429, an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one—indefinitely postponed.

Senate bill No. 381, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and judicial officers, passed May nineteenth, eighteen hundred and fifty-three—amended, and upon ordering the bill to be read third time, the ayes and noes were demanded, by Messrs. Crane, Hathaway, and Oulton, and taken, with the following result:

AYES—Messrs. Crane, Harriman, Hathaway, Nixon, and Vineyard—5.

NOES—Messrs. Baker, Banks, Burnell, Denver, Gaskill, Harvey, Hol-

den, Kutz, Oulton, Perkins, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Watt—17.

Assembly bill No. 264, an Act concerning trade marks—indefinitely postponed.

Senate bill No. 391, an Act to amend an Act to regulate the settlement of the estate of deceased persons—indefinitely postponed.

Senate bill No. 417, an Act to amend an Act entitled an Act concerning Sheriffs, which took effect July first, eighteen hundred and fifty—indefinitely postponed.

Senate bill No. 270, an Act to provide for taking private property for public uses, in certain cases—indefinitely postponed.

Assembly bill No. 150, an Act to amend an Act approved April twenty-eighth, eighteen hundred and sixty, amendatory of and supplementary to an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five—read third time, and passed.

Assembly bill No. 231, an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty—considered, and upon ordering the bill to be read third time, the ayes and noes were demanded, by Messrs. Williamson, Lewis, and Gaskill, and taken, with the following result :

**AYES**—Messrs. Baker, Banks, Crane, Denver, Gaskill, Harvey, Harri-  
man, Hathaway, Heacock, Holden, Irwin, Kimball, Lewis, Nixon, Parks,  
Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Watt—22.

**NOES**—Messrs. Merritt and Williamson—2.

The bill was then read third time, and passed.

Assembly bill No. 144, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—made special order for Thursday, April twenty-fourth, at two o'clock, P. M.

Senate bill No. 451, an Act to provide for the construction and maintenance of an iron railroad from the New Landing, near the Town of Sonoma, along certain streets in said town, and public roads in the County of Sonoma—was taken from the table, and upon ordering the bill to be indefinitely postponed, the ayes and noes were demanded, by Messrs. Crane, Burnell, and Oulton, and taken, with the following result :

**AYES**—Messrs. Banks, Crane, Denver, Holden, Kimball, Kutz, Merritt,  
Oulton, Parks, Rhodes, Shafter, and Van Dyke—12.

**NOES**—Messrs. Baker, Burnell, Gaskill, Harvey, Harriman, Hathaway,  
Heacock, Hill, Nixon, Perkins, Powers, Soule, Shurtleff, Vineyard, and  
Watt—15.

The bill was then amended, and upon ordering the bill to be read third time, was lost.

Senate bill No. 359, an Act to amend an Act entitled an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties of this State, approved April twenty-fifth, eighteen hundred and fifty-seven ; and an Act amendatory thereof, approved April seventh, eighteen hundred and sixty ; and an Act approved

May sixteenth, eighteen hundred and sixty-one—recommitted to the Committee on Military Affairs.

Assembly bill No. 346, an Act relative to suits brought for the collection of delinquent taxes—amended, read third time, and passed.

Senate bill No. 400, an Act supplementary to an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, and the several Acts amendatory of and supplemental thereto—ordered, to top of file for Wednesday, April twenty-third.

Senate bill No. 424, an Act granting certain lands to the United States—amended, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 305, an Act concerning conveyances—amended, read third time, and passed.

Assembly bill No. 255, an Act amendatory of an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one.

Mr. Denver moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, by Messrs. Crane, Watt, and Heacock, and taken, with the following result :

AYES—Messrs. Baker, Banks, Burnell, Crane, Denver, Gaskill, Harvey, Harriman, Heacock, Hill, Holden, Irwin, Kutz, Lewis, Merritt, Oulton, Parks, Powers, Rhodes, Shafter, Soule, Shurtleff, Vineyard, Watt, and Williamson—25.

NOES—None.

Assembly bill No. 415, an Act supplementary to an Act entitled an Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—indefinitely postponed.

Mr. Oulton moved to reconsider the vote by which Senate bill No. 186, an Act concerning State Prison labor, was, on yesterday, indefinitely postponed.

Mr. Burnell moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded, by Messrs. Banks, Merritt, and Soule, and taken, with the following result :

AYES—Messrs. Baker, Burnell, Crane, Denver, Gaskill, Harvey, Harriman, Hathaway, Hill, Holden, Irwin, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Perkins, Powers, Rhodes, Shafter, Soule, Van Dyke, Vineyard, and Williamson—25.

NOES—Messrs. Banks and Heacock—2.

On motion of Mr. Crane, at half past three o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,

Wednesday, April 23d, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

## REPORTS.

Mr. Perkins, from the Finance Committee, made the following report :

MR. PRESIDENT :—The Finance Committee, to whom was referred Assembly bill No. 355, have had the same under consideration, and report the same back, without recommendation ;

Also, substitute for Senate bill No. 311, report the same back, and recommend that the Senate do not concur in the amendments proposed by the Assembly.

PERKINS.

Mr. Crane, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred the resolution of the Assembly calling upon this Senate for its opinion as to whether the Assembly can legally adjourn *sine die*, and leave this Senate in session for the trial of the Impeachment case now before us, beg leave to report—that they have had the same under consideration, and a majority of your Committee are of opinion that the Assembly can, with the consent of the Senate, so adjourn, without in any way affecting the legality of the action of the Senate in said Impeachment case, and recommend the adoption of the annexed resolution :

*Resolved*, That it is the opinion and judgment of this Senate, that the House of Assembly may, with the concurrence and consent of the Senate, legally and constitutionally adjourn *sine die*, leaving the Senate in session as a Court for the trial of the Impeachment of James H. Hardy, now pending, and that the validity of the proceedings on such trial will be in no way impaired thereby.

CRANE,  
SHAFTER,  
KUTZ.

Made special order for twelve o'clock, M., this day.

Mr. Rhodes, from the Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee, to whom was referred Assembly bill No. 289, an Act concerning fees of witnesses in criminal cases in certain counties therein named, have had the same under consideration, report the same back, with amendments, and recommend its passage, as amended ;

Also, Senate bill No. 456, an Act to authorize Rita de la Osa to sell certain real estate, and recommend its indefinite postponement.

RHODES, Chairman.



Mr. Banks, from the Committee on Corporations, made the following report :

MR. PRESIDENT :—Your Committee on Corporations, to whom was referred Senate bill No. 267, an Act to amend an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, report the same back, with an amendment, striking out section one, and recommend its passage, as amended.  
BANKS, for Committee.

Mr. Williamson made a verbal report, recommending the passage of Assembly bill No. 367, an Act to authorize the construction of a wagon road in Stanislaus County.

Mr. Merritt made a verbal report, recommending that the same do not pass.

Mr. Harvey made a verbal report, recommending the passage of Senate bill No. 455, an Act to legalize and confirm a certain instrument in the County Recorder's office of San Francisco.

Mr. Van Dyke made a verbal report, recommending the passage of Senate bill No. 359, an Act to amend an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities, etc.

Bill above reported, amended, rules suspended, considered engrossed, read third time, and passed, and title amended.

Mr. Lewis made the following report :

MR. PRESIDENT :—The delegation to whom was referred Senate bill No 457, report the same back, and recommend its passage ;

Also, Assembly bill No. 285, and recommend its passage. \*

LEWIS,  
GALLAGHER.

Mr. Perkins, from the San Francisco delegation, made the following report :

MR. PRESIDENT :—The San Francisco delegation, to whom was referred substitute for Senate bill No. 22, have had the same under consideration, report the same back, and recommend its passage.

PERKINS, for Delegation.

Mr. Denver, by unanimous leave, introduced a bill for an Act in relation to the Controller of State.

Read first and second times, and laid on the table.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
April 22d, 1862. }

MR. PRESIDENT :—The Assembly, this day, passed Senate bill No. 415, an Act to provide for the government of the common schools in the City of Sacramento ;

Also, passed Senate bill No. 450, an Act creating the offices of Township Collectors and Assessors in the County of El Dorado ;

Also, passed Senate bill No. 438, an Act to authorize and require the Board of Supervisors of the County of Alameda to pay certain claims, with amendments, in which they ask the concurrence of the Senate;

Also, passed Senate bill No. 377, an Act to provide for the collection of taxes on personal property in the City and County of San Francisco;

Also, passed Senate bill No. 347, an Act to pay certain warrants of the City of Sacramento, herein mentioned;

Also, this day amended and passed Senate bill No. 234, an Act to authorize the construction of a marine railway on the western shore of the bay of San Francisco;

Also, passed Senate bill No. 394, an Act to grant the right to construct a turnpike road from the town of La Porte, through or near the Beckwith Pass, to the eastern boundary line of this State;

Also, this day passed Senate bill No. 358, an Act appropriating money to pay the claim of Eugene Lies for translating State documents;

Also, passed Assembly bill No. 158, supplementary to an Act to legalize certain grants and sales made by the Ayuntamiento of Santa Barbara;

Also, passed Assembly bill No. 145, an Act amendatory of an Act to regulate proceedings in civil cases so as to admit negro testimony;

Also, passed Assembly bill No. 413, an Act to divide the State into Congressional Districts, and to fix the time of electing Representatives to Congress;

Also, passed Assembly bill No. 363, an Act to provide for the appointment of a Measurer of Wood in and for the City of San Francisco;

Also, the Assembly this day refused to pass Senate bill No. 221, an Act supplementary to an Act to establish an Asylum for the Insane, etc., which was adopted in Senate as a substitute for Assembly bill No. 424, an Act to appropriate money for the improvement of the State Insane Asylum, and request the Senate to recede from its action and pass the Assembly bill;

Also, on the twenty-first of April the Assembly amended and passed Senate bill No. 294, an Act to authorize Eugene Sullivan and others to lay down gas pipes in the City and County of San Francisco; and this day laid on the table a motion to reconsider;

Also, this day passed Assembly bill No. 472, an Act to organize the fire department of the Town of Timbuctoo, Yuba County.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

The Senate concurred in Assembly amendments to Senate bills Nos. 438, 294, and 450, above reported.

Assembly bill No. 145, above reported, read first and second times, and made special order for April twenty-fourth, at two o'clock, p. m.

Assembly bill No. 158, above reported, read first and second times, and referred to Santa Barbara delegation.

Assembly bill No. 363, above reported, read first and second times, and placed on file.

Assembly bill No. 413, above reported, read first and second times, and made special order for April twenty-fifth, at two o'clock, p. m.

Assembly bill No. 472, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 221, substitute for Assembly bill No. 424, above reported, Senate refused to take the action requested by the Assembly, and the

Secretary was directed to request the Assembly to recede from its action in refusing to adopt the Senate bill.

#### SPECIAL ORDER.

The resolution offered by a portion of the Judiciary Committee, advising that the Assembly can adjourn and leave the Senate in session, with the consent of the Senate.

Upon the adoption of the resolution, the ayes and noes were demanded, by Messrs. Powers, Heacock, and Shurtleff, and taken, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain Crane, Gaskill, Harriman, Hathaway, Kimball, Kutz, Oulton, Perkins, Shafter, Soule, Van Dyke, and Watt—15.

NOES—Messrs. Baker, Denver, Harvey, Heacock, Hill, Holden, Irwin, Lewis, Merritt, Parks, Pacheco, Powers, Rhodes, Shurtleff, Vineyard, Warmcastle, and Williamson—17.

Mr. Warmcastle gave notice of reconsideration.

Mr. Denver, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 445, an Act providing for the times of holding terms of Court in the Sixteenth Judicial District ;

Also, Senate bill No. 420, an Act to repeal an Act to regulate fees of certain officers in Calaveras County ;

Also, Senate bill No. 387, an Act to appropriate money to the Ladies' Relief Society of San Francisco ;

Also, Senate bill No. 388, an Act to grant the right to construct a turn-pike road between the Town of Grass Valley, in the County of Nevada, and a point on Bear River, at or near McCourtney's Crossing ;

Also, Senate bill No. 412, an Act to authorize the County Auditor of the Counties of Mono, Tuolumne, and San Joaquin, to issue certain bonds, and provide for the construction of a road herein named ;

Also, Senate bill No. 423, an Act to authorize the Board of Managers of the Industrial School Department of the City and County of San Francisco to grant and convey to the San Francisco and San José Railroad Company the right of way for the construction of said road through their lands ;

Also, Senate concurrent resolution No. 12, in regard to spoliations by Indians in this State ;

And this day, April twenty-third, eighteen hundred and sixty-two, at half past eleven o'clock, A. M., delivered the same to His Excellency the Governor, for his approval.

DENVER, for Committee.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
April 22d, 1862. }

MR. PRESIDENT :—The Assembly have adopted the report of the Com-



mittee of Free Conference on Senate amendments to Assembly bill No. 153, and have thereby adopted the amendments of the Senate;

Also, have adopted the report of the Committee of Free Conference on Senate amendments to Assembly bill No. 154, thereby adopting all the Senate amendments, except the first and last. In place of the last amendment, the Assembly have adopted the substitute recommended by the Committee, in which they ask the Senate to concur, and as the report of the Committee does not expressly recommend any action on the part of the Senate, the Assembly requests the Senate to recede from its first amendment to said bill;

Also, the Assembly have concurred in Senate amendments to Assembly bills Nos. 157, 220, and 282;

Also, have passed Senate bill No. 411, amendatory of an Act to make certain officers in Tuolumne County salaried officers;

Also, have passed Senate bill No. 448, an Act to legalize the assessment and levy of city taxes, and authorize the collection of the same in the City of Oakland;

Also, have passed Senate bill No. 453, an Act to fix the terms of the Court of Sessions, Probate Court, and County Court, of the County of Contra Costa;

Also, have passed Senate bill No. 454, relating to the Thirteenth Judicial District, etc.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 22d, 1862. }

MR. PRESIDENT:—The Assembly have passed Assembly bill No. 269, an Act to provide for paying certain demands issued on the faith and credit of the State, which become due on the second of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 23d, 1862. }

MR. PRESIDENT:—The House this day passed Assembly bill No. 348, an Act to grant the right to construct a turnpike road between Searsville, in San Mateo County, and Pescadero, in Santa Cruz;

Also, passed Assembly bill No. 350, an Act to authorize the parties therein named to establish and maintain a ferry;

Also, passed Assembly bill No. 403, an Act to restrict the herding of sheep in certain counties of this State;

Also, adopted on the twenty-first instant Senate concurrent resolution No. 57, relative to the appointment of an Assistant Fireman.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate concurred in Assembly amendment to substitute for Senate bill No. 234, above reported.

Assembly bill No. 269, above reported, was read first and second times, and referred to Finance Committee.

Assembly bill No. 348, above reported, was read first and second times, and referred to the San Mateo delegation.



Assembly bill No. 350, above reported, was read first and second times, and referred to the Contra Costa delegation.

Assembly bill No. 403, above reported, read first and second times, and referred to the Mendocino and Sonoma delegations.

The Senate adopted the report of Free Conference on the disagreeing vote of Assembly bill No. 154, above reported.

#### GENERAL FILE.

Assembly bill No. 149, an Act in relation to liens of mechanics and others—read third time, and passed.

Senate bill No. 400, an Act supplementary to an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, and the several Acts amendatory thereof and supplementary thereto—rules suspended, considered engrossed, and read third time.

Mr. Denver then moved that the bill be indefinitely postponed.

Carried.

Mr. Parks moved to reconsider the vote by which Assembly bill No. 303, an Act to extend the time for the construction of the second telegraph line between California and the Eastern States, was, on yesterday, indefinitely postponed.

Mr. Denver moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded, by Messrs. Oulton, Banks, and Chamberlain, and taken, with the following result :

AYES—Messrs. Chamberlain, Denver, Gaskill, Harvey, Harriman, Hathaway, Kutz, Oulton, Perkins, Powers, Rhodes, Soule, Van Dyke, and Williamson—14.

NOES—Messrs. Baker, Banks, Crane, Heacock, Hill, Holden, Parks, Vineyard, Warmcastle, and Watt—10.

Mr. Williamson moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Banks, Chamberlain, and Oulton, and taken, with the following result :

AYES—Messrs. Baker, Burnell, Denver, Hill, Holden, Perkins, and Williamson—7.

NOES—Messrs. Banks, Chamberlain, Harvey, Hathaway, Heacock, Kutz, Oulton, Parks, Powers, Shafter, Soule, and Van Dyke—12.

Mr. Oulton moved a call of the Senate.

Carried.

Absent—Messrs. Crane, Gaskill, Harriman, Irwin, Kimball, Lewis, Merritt, Pacheco, Rhodes, Shurtleff, Thomas, Warmcastle, and Watt.

Mr. Crane appeared at the bar of the Senate, and was excused.

Quorum present.

On motion of Mr. Burnell, further proceedings under the call were dispensed with.

Mr. Nixon was granted indefinite leave of absence.

#### GENERAL FILE RESUMED.

Senate bill No. 421, an Act to provide for procuring testimony in cer-

tain cases—rules suspended, considered engrossed, read third time, and passed.

Mr. Hathaway moved to take up Senate bill No. 312, an Act to authorize the Controller of State to employ an additional Clerk.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Denver, and Oulton, and taken, with the following result :

AYES—Messrs. Baker, Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Merritt, Perkins, Powers, Soule, Shurtleff, Vineyard, Warmcastle, and Watt—15.

NOES—Messrs. Denver, Holden, Kutz, Oulton, Parks, Rhodes, and Shafter—7.

Mr. Watt then moved that the bill be placed at top of the file for to-morrow, April twenty-fourth.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Merritt, and Gaskill, and taken, with the following result :

AYES—Messrs. Baker, Banks, Denver, Hill, Holden, Kutz, Oulton, Parks, Perkins, Rhodes, Shafter, Soule, Vineyard, Warmcastle, and Watt—15.

NOES—Messrs. Chamberlain, Crane, Gaskill, Harriman, Hathaway, Heacock, Merritt, Powers, and Shurtleff—9.

Substitute for Senate bill No. 311, an Act concerning the duties of County Treasurers—Senate refused to concur in Assembly amendments.

Senate bill No. 456, an Act to authorize Rita de la Osa to sell certain real estate—rules suspended, considered engrossed, read third time, and passed.

Mr. Harriman, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 294, an Act to authorize Eugene L. Sullivan, Nathaniel Holland, and John Benson, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco ;

And this day, April twenty-third, eighteen hundred and sixty-two, at three o'clock, p. m., delivered the same to the Governor, for his approval.

HARRIMAN, for Committee.

Mr. Heacock, by leave, introduced a bill for an Act amendatory of and supplementary to an Act entitled an Act concerning the construction and repair of levees in the County of Sacramento, and the mode of raising revenue therefor, approved April ninth, eighteen hundred and sixty-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Shafter offered a concurrent resolution, requesting our Senators and Representatives in Congress to procure the enactment of a law to extend and grant the right of pre-emption to all lands which have heretofore been purchased in this State, the title to which was claimed under Mexican or Spanish grants, etc.

Read first and second times, and referred to the Committee on Public Lands.

On motion of Mr. Perkins, at three o'clock and fifteen minutes, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, April 24th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The Chair appointed Messrs. Parks, Perkins, and Van Dyke, a Committee of Free Conference, to act with a like Committee of the Assembly, on the disagreeing vote on substitute for Senate bill No. 311, an Act concerning County Treasurers.

Mr. Parks, from the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims have had under consideration Assembly bill No. 284, an Act to provide for an equitable adjustment of claims arising from indebtedness of the County of Contra Costa, outstanding at the date of the organization of the County of Alameda, and for apportioning any award made thereon, and report the same back, with the recommendation that the bill pass;

Also, Assembly bill No. 386, an Act for the relief of William W. Lombard, report the same back, and recommend that it be referred to the San Francisco delegation;

Also, Assembly bill No. 223, an Act to provide for the payment of the sum of two hundred dollars to each of the six Locating Agents of the State of California, report the same back, with the following amendment, and recommend the passage of the bill, as amended:

Amend section one, third line from the bottom, after the word "dollars," "or so much thereof as may be allowed by the Board of Examiners."

PARKS, Chairman.

Assembly bill No. 386, above reported, was referred to the San Francisco delegation.

Mr. Warmcastle moved to suspend the rules, and take up Assembly bill No. 284, above reported.

Upon which, the ayes and noes were demanded, by Messrs. Crane, Watt, and Holden, and taken, with the following result:

AYES—Messrs. Burnell, Chamberlain, Denver, Harvey, Heacock, Holden, Merritt, Parks, Powers, Soule, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—15.

NOES—MESSRS. Crane, Gaskill, Harriman, Hathaway, Kimball, Oulton, and Rhodes—7.

The bill was then taken up, and pending the consideration of the same, Mr. Gaskill called for the general file.

Mr. Oulton moved to suspend the consideration of the general file until this bill should be disposed of.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Irwin, and Burnell, and taken, with the following result:

AYES—MESSRS. Baker, Burnell, Chamberlain, Harvey, Hathaway, Holden, Irwin, Oulton, Parks, Pacheco, Powers, Soule, Shurtleff, Vineyard, Warmcastle, and Watt—16.

NOES—MESSRS. Crane, Gaskill, Kutz, Perkins, Rhodes, Shafter, and Williamson—7.

Mr. Watt moved the previous question.

Carried.

On striking out the preamble, the ayes and noes were demanded, by Messrs. Crane, Soule, and Merritt, and taken, with the following result:

AYES—MESSRS. Crane, Kimball, Kutz, and Perkins—4.

NOES—MESSRS. Baker, Banks, Burnell, Chamberlain, Denver, Heacock, Holden, Irwin, Lewis, Merritt, Oulton, Parks, Powers, Shafter, Soule, Shurtleff, Warmcastle, Watt, and Williamson—19.

The bill was then read third time, and on its passage, the ayes and noes were demanded, by Messrs. Crane, Oulton, and Soule, and taken, with the following result:

AYES—MESSRS. Baker, Banks, Burnell, Denver, Harvey, Hathaway, Heacock, Holden, Irwin, Lewis, Merritt, Oulton, Parks, Powers, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, and Watt—20.

NOES—MESSRS. Crane, Gaskill, Kimball, Kutz, Perkins, Rhodes, Vineyard, and Williamson—8.

Mr. Hathaway gave notice of reconsideration.

Mr. Warmcastle moved to reconsider the vote by which the Senate, on yesterday, refused to adopt the resolution reported by a portion of the Judiciary Committee, in relation to the power of the Assembly to adjourn and leave the Senate in session, as a Court of Impeachment, for the trial of James H. Hardy, Judge of the Sixteenth Judicial District.

Upon which, the ayes and noes were demanded, by Messrs. Oulton, Watt, and Gaskill, and taken, with the following result:

AYES—MESSRS. Banks, Chamberlain, Crane, Gaskill, Hathaway, Kimball, Kutz, Oulton, Perkins, Powers, Shafter, Soule, Van Dyke, Watt and Mr. President—15.

NOES—MESSRS. Baker, Denver, Harvey, Heacock, Holden, Irwin, Lewis, Merritt, Pacheco, Rhodes, Shurtleff, Vineyard, Warmcastle, and Williamson—14.

On the adoption of the resolution, the ayes and noes were demanded, by Messrs. Oulton, Gaskill, and Perkins, and taken, with the following result:



AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Kimball, Kutz, Oulton, Perkins, Powers, Shafter, Soule, Van Dyke, and Watt—15.

NOES—Messrs. Baker, Denver, Harvey, Heacock, Holden, Irwin, Lewis, Merritt, Pacheco, Rhodes, Shurtleff, Vineyard, Warmcastle, and Williamson—14.

SPECIAL ORDER.

Assembly bill No. 144, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Read third time, and on its passage, the ayes and noes were demanded, by Messrs. Denver, Perkins, and Holden, and taken, with the following result:

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Kimball, Oulton, Powers, Rhodes, Shafter, and Soule—13.

NOES—Messrs. Baker, Denver, Harvey, Heacock, Holden, Irwin, Lewis, Merritt, Pacheco, Perkins, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—15.

Mr. Perkins gave notice of reconsideration.

On motion of Mr. Merritt, at four o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, }  
Friday, April 25th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved

Indefinite leave of absence was granted to Mr. Hill, and four days leave, including yesterday, to Mr. Gallagher.

REPORTS.

Mr. Hathaway made the following report:

MR. PRESIDENT:—The San Mateo delegation, to whom was referred Assembly bill No. 348, have had the same under consideration, and ask leave to report the same back, and recommend its passage.

HATHAWAY.

Assembly bill No. 348, an Act to grant the right to construct a turnpike road between Searsville, in San Mateo County, and Pescadero, in

Santa Cruz, above reported, was taken up, rules suspended, read third time, and passed.

Mr. Soule reported back, verbally. Assembly bill No. 300, an Act to authorize and sanction the consolidation and fusion of certain joint stock associations therein named, without recommendation.

Mr. Holden made a verbal report, recommending passage of Assembly bill No. 403, an Act to restrict the herding of sheep in certain counties of this State.

Rules suspended, and Assembly bill No. 403, above reported, read third time, and passed.

Mr. Warmcastle made a verbal report, recommending passage of Assembly bill No. 350, an Act to authorize the parties therein named to establish and maintain a ferry.

Rules suspended, and Assembly bill No. 350, above reported, read third time, and passed.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
April 24th, 1862. }

Mr. PRESIDENT :—The Assembly, this day, refused to recede from its amendments to substitute for Senate bill No. 311, an Act concerning the duties of County Treasurers, and appoint Messrs. Bigelow and Morrison a Committee of Free Conference on the part of the Assembly.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 23d, 1862. }

Mr. PRESIDENT :—The Assembly, this day, reconsidered Senate bill No. 221, an Act to establish an Asylum for the Insane, and passed the bill, with amendments, in which they ask the Senate to concur.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 23d, 1862. }

Mr. PRESIDENT :—The House, this day, refused to concur in Senate amendments to Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes, and ask the Senate to recede ;

Also, this day, the House reconsidered the vote by which it concurred in Senate amendments to Assembly bill No. 157, an Act concerning the incorporation of railroad companies, and refused to concur in such amendments, and respectfully ask the Senate to recede.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 24th, 1862. }

Mr. PRESIDENT :—The House, yesterday, passed Assembly bill No. 471, proposed amendments to the Constitution ;

Also, on the twenty-first instant, passed Assembly bill No. 336, an Act to provide for the construction of a public wagon road in Contra

Costa County, to the summit of the Divide, on the Alameda County line;

Also, on the twenty-second instant, passed Assembly bill No. 428, an Act amendatory of the charter of the City of San Francisco.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER,

April 24th, 1862. }

Mr. PRESIDENT :—The Assembly, this day, passed Senate bill No. 114, an Act to fix the salary of the County Judge of Placer County;

Also, passed Senate bill No. 456, an Act to authorize Rita de la Osa, to sell certain real estate;

Also, passed Senate bill No. 459, an Act amendatory of and supplementary to an Act entitled an Act concerning the construction and repair of levees in the County of Sacramento.

W. N. SLOCUM,

Assistant Clerk.

ASSEMBLY CHAMBER,

April 24th, 1862. }

Mr. PRESIDENT :—The Assembly, this day, passed Assembly bill No. 473, an Act to prohibit the keeping open of bath houses and hair dressing saloons, in the City and County of San Francisco, during certain hours of the first day of the week, commonly called Sunday;

Also, Senate bill No. 321, an Act to authorize William Sherman, Administrator of the estate of George S. Steere, deceased, to sell real estate.

JOHN SEDGWICK, Clerk.

ASSEMBLY CHAMBER,

April 25th, 1862. }

Mr. PRESIDENT :—The Assembly on the twenty-fourth instant adopted the report of the Committee of Free Conference on the Assembly amendments to Senate bill No. 311, and receded from former amendments;

Also, this day passed Assembly bill No. 459, an Act to appropriate money for certain purposes therein mentioned;

Also, on April twenty-fourth passed Assembly bill No. 110, an Act conferring further powers upon the Trustees of the City of Benicia;

Also, on same day, passed Senate bill No. 371, an Act concerning the locating and patenting of certain Swamp and Overflowed Lands;

Also, this day, passed Assembly bill No. 474, an Act concerning the funded debt of the City of Sacramento;

Also, this day, the Committee of Free Conference, appointed by the Assembly to confer with a like committee on the part of the Senate, on the disagreeing vote of the two Houses on the Senate amendments to Assembly bill No. 365, having reported their inability to agree, were discharged, and Messrs. Barton of Sacramento, Tilton of San Francisco, and Hoag, were appointed a new Committee of Free Conference on the part of the Assembly, and the House respectfully requests the Senate to appoint a new committee to confer with them.

W. N. SLOCUM,

Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate refused to recede from Senate amendments to Assembly bill No. 346, above reported, and Messrs. Heacock, Shurtleff, and Parks, were appointed a Committee of Free Conference.

The Senate refused to recede from Senate amendments to Assembly bill No. 157, above reported, and Messrs. Banks, Shafter, and Rhodes, were appointed a Committee of Free Conference.

The Senate refused to concur in Assembly amendments to Senate bill No. 221, and Messrs. Harvey, Harriman, and Rhodes, were appointed a Committee of Free Conference.

Assembly bill No. 428, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 336, above reported, read first and second times, and placed on file.

Assembly bill No. 473, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 471, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 474, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 110, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 459, above reported, read first and second times, and referred to Finance Committee.

Senate adopted the amendments of the Committee of Free Conference to Senate bill No. 311, above reported.

Mr. Pacheco, by leave, introduced a bill for an Act supplementary to an Act entitled an Act to empower M. G. Vallejo to convey certain real estate, approved April sixteenth, eighteen hundred and fifty-nine.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Harriman, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 358, an Act appropriating money to pay the claim of Eugene Lies for translating State documents;

Also, Senate bill No. 438, an Act to authorize and require the Board of Supervisors of the County of Alameda to pay certain claims;

Also, Senate bill No. 419, an Act to extend the time for the completion of the California Northern Railroad Company's road;

Also, Senate bill No. 284, an Act supplemental to an Act concerning passengers arriving in the ports of this State, approved May third, eighteen hundred and fifty-two, and the several Acts amendatory and supplemental thereto;

Also, Senate bill No. 403, an Act to audit and allow the claim of T. J. A. Chambers;

And this day, April twenty-fifth, at half past eleven o'clock, A. M., delivered the same to His Excellency the Governor, for his approval.

HARRIMAN, for Committee.

## GENERAL FILE.

Assembly bill No. 462, an Act to appropriate money to pay the wit-



nesses summoned to testify in the Hardy Impeachment case—was referred to the Judiciary Committee.

Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties, and submit the same to the vote of the people—was amended, read third time, and passed.

Mr. Denver moved to reconsider the vote by which Assembly bill No. 144, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, was lost on yesterday.

Mr. Merritt moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded, by Messrs. Perkins, Merritt, and Holden, and taken, with the following result:

AYES—Messrs. Baker, Burnell, Denver, Harvey, Heacock, Holden, Irwin, Lewis, Merritt, Parks, Pacheco, Shurtleff, Warmcastle, Watt, and Williamson—15.

NOES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Hathaway, Kimball, Oulton, Perkins, Powers, Rhodes, Shafter, and Soule—13.

The Chair appointed Messrs. Baker, Hathaway, and Gaskill, a Committee of Free Conference on the disagreeing vote of the two Houses on Assembly bill No. 365, an Act making appropriations for the deficiencies in the appropriations for the thirteenth fiscal year.

#### GENERAL FILE RESUMED.

Assembly bill No. 223, an Act to provide for the payment of the sum of two hundred dollars to each of the six Locating Agents of the State of California—was amended, read third time, and passed, and title amended.

Assembly bill No. 446, an Act to establish and maintain a State Normal School—was ordered to top of the file for Saturday, April twenty-sixth.

Senate bill No. 468, an Act to establish a State Normal School—was ordered to top of the file for Saturday, April twenty-sixth.

Senate bill No. 312, an Act to authorize the Controller of State to employ one additional Clerk.

The question being on the indefinite postponement of the bill, the ayes and noes were demanded, by Messrs. Chamberlain, Gaskill, and Oulton, and taken, with the following result:

AYES—Messrs. Baker, Burnell, Denver, Harvey, Holden, Kimball, Kutz, Oulton, Parks, and Shafter—10.

NOES—Messrs. Banks, Chamberlain, Gaskill, Hathaway, Merritt, Powers, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Williamson—12.

On the passage of the bill, the ayes and noes were demanded, by Messrs. Watt, Denver, and Oulton, and taken, with the following result:

AYES—Messrs. Chamberlain, Gaskill, Hathaway, Heacock, Merritt, Powers, Shurtleff, Vineyard, and Williamson—9.

NOES—Messrs. Baker, Banks, Burnell, Denver, Harvey, Holden, Kimball, Kutz, Oulton, Parks, Rhodes, Shafter, Soule, and Watt—14.

## REPORTS.

Mr. Perkins, from the Committee on Finance, made the following report:

MR. PRESIDENT:—The Finance Committee, to whom was referred Assembly bill No. 462, have had the same under consideration, and report the same back, without recommendation;

Also, Assembly bill No. 392, report the same back, and recommend its passage.

PERKINS, Chairman.

Mr. Denver, from the Committee on Enrolment, made the following reports:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 450, an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador;

Also, Senate bill No. 415, an Act to provide for the government of the common schools of the City of Sacramento;

And this day, April twenty-fifth, eighteen hundred and sixty-two, at half past one o'clock, P. M., delivered the same to His Excellency the Governor, for his approval.

A. ST. C. DENVER, for Committee.

MR. PRESIDENT:—The Committee on Enrolment have examined and found correctly enrolled Senate concurrent resolutions, as follows:

No. 36—Relative to Indian war claims;

No. 2—Relative to Fireman;

No. 35—Relative to leave of absence to Clerk of Del Norte County;

No. 18—Relative to Alcalde grants;

No. 33—Relative to printing State Prison Directors' report;

No. 30—Relative to Clerk of Special Committee;

No. 22—Relative to examining proposals for translating laws;

No. 31—Relative to the finances of the State;

No. 39—Relative to the Chinese statistics;

No. 46—Relative to the report of the Adjutant-General of this State;

No. 50—Relative to Joint Convention;

No. 54—Relative to leave of absence to County Judge of Contra Costa County;

No. 40—Relative to the militia of this State;

No. 3—Relative to the appointment of extra Porter for rear of the State House;

No. 51—Relative to allowing mileage, etc.;

No. 17—Relative to printing reports of State officers;

No. 10—Relative to adjournment until Tuesday, twenty-first instant;

No. 24—Relative to coast defence;

No. 4—Relative to a Committee to wait upon the Governor and Lieutenant-Governor elect;

No. 7—Relative to Joint Convention to assist at the ceremony of inauguration;

No. 8—Relative to printing Governor's message and inaugural address;

No. 13—Relative to hoisting the American flag over the building used at present by the Legislature;

No. 32—Relative to appointing delegates to World's Fair;

No. 20—Relative to Indian affairs;

And at quarter past two o'clock, P. M., on this twenty-fifth day of April, eighteen hundred and sixty-two, delivered the same to the Governor.

DENVER, for Committee.

The Committee on Finance made the following report:

MR. PRESIDENT:—The Committee on Finance, to whom was referred Assembly bill No. 269, an Act to provide for paying certain demands issued on the faith and credit of the State, which become due and payable on the second day of May, A. D. eighteen hundred and sixty-two, and to contract a funded debt for that purpose, have had the same under consideration, and make the following report:

Owing to the late period in the session at which the subject came before us, we have not been able to give it as much attention as we would desire, but from our researches we find the history of this outstanding indebtedness to be about as follows:

In the years eighteen hundred and forty-nine, eighteen hundred and fifty, and eighteen hundred and fifty-one, several expeditions were organized in various parts of the State to suppress Indian hostilities. The State authorities at that time thought proper to send out these expeditions, because there was an inadequate force of Federal troops on this coast to protect the citizens. To make provision for the settlement of the claims arising from these expeditions, the Legislature of this State, by an Act passed February fifteenth, eighteen hundred and fifty-one, (see Statutes 1851, page 520,) assumed the payment thereof. The first section of said Act reads as follows:

"Section One. By virtue of the power given to the Legislature by the Constitution of this State, Article Eighth, 'in case of war, to repel invasion, or suppress insurrection,' a loan, not exceeding five hundred thousand dollars, is hereby authorized to be negotiated upon the faith and credit of the State, payable in ten years, and at any period after five years, at the pleasure of the State; said loan to bear a rate of interest not exceeding twelve per cent. per annum, payable annually or semi-annually, at such place as the contracting parties may agree; *provided*, however, that the interest of the first year may be paid in advance out of the loan thus made."

The other provisions of the Act merely give the mode and manner in which the bonds shall be issued.

Under this Act, no money could be loaned, but those holding claims took bonds to the amount of two hundred thousand dollars.

By the Act of the Legislature, of May third, eighteen hundred and fifty-two, a further appropriation was made, the first section of which reads as follows:

"Section One. A sum, not exceeding six hundred thousand dollars, is hereby appropriated and set aside as an additional war fund, payable in ten years, out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon at the rate of seven per cent. per annum, in suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set aside by Congress for that purpose. And should no such appropriation or donation be made, or if an amount sufficient

should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by this Act shall be good and valid claims against the State, and shall be paid out of any money in the Treasury not otherwise appropriated, to pay the expenses of the expeditions mentioned in this Act."

This Act also repeals the Act of February fifteenth, eighteen hundred and fifty-one, but provides that the repeal shall not affect the bonds issued under said Act.

Subsequent Acts were passed, making further appropriations, as follows :

Statutes 1853, page 95.....	\$23,000
Statutes 1853, page 97.....	2,500
Statutes 1853, page 225.....	23,000

Under these various Acts there were issued :

Twelve per cent. bonds.....	\$200,000
Seven per cent. bonds.....	683,965

These matters having been brought before Congress by our Senators and Representatives, Congress, by an Act passed August fifth, eighteen hundred and fifty-four, made an appropriation of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents, in the general appropriation bill of that year for the support of the Army, to settle with the State for these liabilities. The Act making such appropriation reads as follows :

"*And be it further enacted*, That the Secretary of War be and he is hereby authorized and directed to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California in the suppression of Indian hostilities within the said State prior to the first of January, A. D. eighteen hundred and fifty-four, and that the amount of such expenses, when so ascertained, be paid into the Treasury of said State; *provided*, that the sum so paid shall not exceed in amount the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

The Legislature of this State, by an Act passed in eighteen hundred and fifty-five, (page 61.) authorized the Governor to transmit to the Secretary of War a statement of the amount of indebtedness incurred and actually paid by the State prior to the first of January, eighteen hundred and fifty-four; and also, a certified copy from the Secretary of State, of all laws authorizing military expeditions against the Indians, and making appropriations to pay the same, etc.

Governor Bigler complied with the requirements of this Act, and sent on such statements.

(See Senate Journal, session eighteen hundred and fifty-six. Governor Bigler's Message, page 27. Governor Johnson's Message, page 226. See Senate Journal, session eighteen hundred and fifty-six, page 71.)



These accounts were sent to Washington, but the Secretary of War, Jefferson Davis, declined payment, as appears by the following letter:

WAR DEPARTMENT. }

Washington, July 18th, 1855. }

SIR:—I have to acknowledge the receipt of your letter of the twelfth of May, transmitting certain statements intended to show the amount of expenses incurred and paid by the State of California, in the suppression of Indian hostilities, for the repayment of which, provision has been made by the ninth section of the Army Appropriation Act, approved August fifth, eighteen hundred and fifty-four.

The Act directs the Secretary of War to examine into and ascertain the amount of expenses incurred, and now actually paid by the State of California. This requirement cannot, in my opinion, be fulfilled, upon evidence showing nothing more than that the State has made certain bonds and warrants, for the purpose of satisfying claims of the description specified in the Act, and that these bonds have been issued to certain persons. Under similar circumstances, other States have produced the original bills paid by them, and the Department has thus been enabled at once to see that the charge was one which Congress intended to assume, and that it had been paid. I cannot so far depart from a practice which I believe has been invariably observed, as to authorize payment to be made to the State of California upon the evidence now tendered.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,

Secretary of War.

Hon. JOHN BIGLER, Governor of California.

(See Senate Journal, session eighteen hundred and fifty-six. Governor Bigler's Message, page 27. Governor Johnson's Message, page 226. See Statutes, eighteen hundred and fifty-six, chapter 135, page 206.)

Governor Bigler, in his Annual Message in eighteen hundred and fifty-six, called the attention of the Legislature to this matter; and the Legislature of that year, upon the recommendation of Governor Johnson, (see Journals of the Senate, page 226,) on the nineteenth of April passed an Act appointing Samuel B. Smith, and J. W. Denver, a Board of Commissioners on the part of the State, to prosecute before the Secretary of War the claims of the State. Said Act also required that the Commissioners should set aside a sufficient sum, out of the appropriation made by Congress, to first pay the twelve per cent. bonds and interest, and then provides that the Commissioners shall advertise for bids for redemption of the seven per cent. bonds. Said Commissioners were also directed to receive and take with them to Washington all the original vouchers.

Upon presenting these vouchers to the Secretary of War, it was found that a great portion of them were so imperfect that they would not be allowed. The report of the Commissioners, which more clearly explains the matter, we herewith copy, together with the Act of Congress, requiring the Secretary of War to take the bonds of the State as evidence:

[XXXIVth Congress, Session 1, August 18, 1856. U. S. Statutes at Large, Vol. II, page 91.]

CHAP. CXXIX, SEC. 8. *And be it further enacted*, That the Secretary of War is hereby authorized and directed to pay to the holders of the War Bonds of the State of California, the amount of money appropri-

ated by Act of Congress, approved May (August) fifth, eighteen hundred and fifty-four, in payment of expenses incurred and now actually paid by the State of California, for the suppression of Indian hostilities within the said State, prior to the first day of January, Anno Domini eighteen hundred and fifty-four, under the following restrictions and regulations: Before any bonds shall be redeemed by the Secretary of War, they shall be presented to the Board of Commissioners appointed by the Legislature of said State, by an Act approved April nineteenth, eighteen hundred and fifty-six, and the amount due and payable upon each bond be indorsed thereon by said Commissioners. Upon presentation to the Secretary of War of any bond or bonds thus indorsed, it shall be his duty to draw his warrant in favor of the holder or holders thereof, for the amount certified to be due upon the same by the said Commissioners, upon the Secretary of the Treasury, who is hereby directed to pay the same; *provided*, that said amount in the aggregate shall not exceed the amount of money appropriated by Act of Congress, approved August fifth, eighteen hundred and fifty-four; said bonds, after redemption, and after taking off the coupons that may remain unpaid, shall be delivered to the Secretary of War, to be cancelled.

#### REPORT OF COMMISSIONERS OF CALIFORNIA WAR DEBT.

*To His Excellency, J. Neely Johnson, Governor of the State of California:*

SIR:—The Commissioners appointed by the Act of April nineteenth, eighteen hundred and fifty-six, to liquidate the War Debt of the State, beg leave to report:

That in accordance with the provisions of said Act, so soon after the same as practicable, they opened an office in the City of Washington, and made application to the Secretary of War, as by said Act directed, for payment of the sum of money appropriated by Congress in payment of expenses incurred "by the State in suppression of Indian hostilities." As evidence of said indebtedness, the Commissioners submitted a certified copy of the war bond register of said State, the various Acts of the Legislature authorizing the issuance of said bonds, and the journals of the Legislature exhibiting the action of that body in relation to the same; proposing, further, to deliver him the bonds issued by the State before making requisition for said money. In reply, the Secretary of War stated, in substance, that the proofs submitted were insufficient, that he could not recognize the bonds as evidence of the indebtedness, but that the Act of Congress of August fifth, eighteen hundred and fifty-four, under which Act the appropriation was made, would require him to go into an examination of the original vouchers. As this course of procedure would have involved great delay and difficulty, and being satisfied from the condition of the original vouchers, which were in very many instances informal, that a large portion of them would be disallowed, we applied to Congress for relief, and a bill was introduced, at our instance, directing the Secretary of War to pay over the full amount of the appropriation as directed by the Legislature of the State of California. The bill meeting with violent opposition, influenced to a great extent by the holders of the seven per cent. bonds, who felt aggrieved at the manner of distributing the appropriation directed by said Act, and being unwilling to give our sanction to any Congressional action which might clash with the Act of the State of California, we finally submitted to the Secretary of War all the books and original papers in our possession, offering to make all necessary explanation, etc. As we had anticipated, the

examination was delayed, and, after several interviews with the accounting officers to whom the vouchers had been referred by the Secretary of War, and being convinced that the interest of the State would greatly suffer should a settlement be made upon such a basis, we finally agreed with the bondholders to a bill providing a pro rata distribution of the appropriation, viz.: the payment of the principal of all the bonds issued prior to January first, eighteen hundred and fifty-four, and interest on the same up to that date. This bill passed. Immediately upon its passage, the Commissioners advertised for the redemption of said bonds, in various daily papers, a list of which will be found in the minutes of the Commissioners, accompanying this report, which advertisement directed that all bonds should be presented to the Commissioners before the first day of September, after which date they would cease to bear interest. Upon an examination of the Act, we found a mistake had occurred, which, apparently, left to the Commissioners the power of carrying out the direction of the State in the disbursement of the appropriation. We immediately applied to the Secretary of War, asking his construction of the Act. It will be seen, by reference to the correspondence which accompanies this report, that the Secretary of War would not permit any portion of the appropriation to be applied to the redemption of bonds issued since the first of January, eighteen hundred and fifty-four, nor for the payment of interest accumulating since that date on bonds previously issued. This construction rendered it unnecessary to make any distinction between the seven and twelve per cent. bonds, and superseded the necessity of advertising for bids, as directed by the Act of California.

Under the instruction of the Secretary of War, the Commissioners, as bonds were presented, certified to the genuineness of each bond, and the amount, principal and interest, due thereon up to the first day of January, eighteen hundred and fifty-four. The full amount certified to by the Commissioners is as follows:

Of twelve per cent. bonds, principal, one hundred and seventy-seven thousand dollars; interest on the same, fifty-five thousand six hundred and eighty-three dollars and ninety-seven cents. Of seven per cent. bonds, principal, five hundred and fifty-nine thousand seven hundred and fifty dollars; interest on the same, forty-eight thousand two hundred and fourteen dollars and sixty-eight cents—amounting, in all, to eight hundred and forty thousand six hundred and forty-eight dollars and sixty-five cents—a full statement of which accompanies this.

The full amount paid by the United States Government up to the fifteenth day of November, eighteen hundred and fifty-six, is eight hundred and fourteen thousand four hundred and fifty-six dollars and eighty-four cents, as appears per statement of the Third Auditor, which accompanies this, leaving unpaid of the bonds at that time certified, twenty-six thousand one hundred and ninety-one dollars and eighty-one cents; of which, fifteen thousand two hundred and twenty dollars and twenty cents had been presented to the Secretary of War, the balance, ten thousand nine hundred and seventy-one dollars and sixty-one cents, still being in the hands of the holders. This amount has, no doubt, been paid in full. The interest coupons belonging to all the bonds presented to the Commissioners were detached from the bonds and distributed as follows:

Of seven per cent. bonds, coupons one and two, up to January first, eighteen hundred and fifty-four, were attached to the bonds and have been paid; coupons three and four, up to January first, eighteen hundred and fifty-six, have been returned to the holders, stamped as follows:



"California War Bond Coupon." Coupon number five, from January first, eighteen hundred and fifty-six, to January first, eighteen hundred and fifty-seven, similarly stamped, with the amount of interest due on the same up to September first, eighteen hundred and fifty-six, also stamped upon it, has also been returned to the holders. Coupons six, seven, eight, nine, and ten, representing the interest from January first, eighteen hundred and fifty-seven, to the maturing of the bonds, are returned to the State. Of twelve per cent. bonds, coupons one, two, three, four, and five, representing the interest up to March first, eighteen hundred and fifty-four, were attached to the bonds, but were paid only up to January first, eighteen hundred and fifty-four, leaving on every bond a balance of twenty dollars, interest from January first to March first, eighteen hundred and fifty-four, due to the bondholder—for which amount the Commissioners gave their certificate, a copy of which accompanies this. Coupons six, seven, eight, nine, and ten, representing the interest due up to September first, eighteen hundred and fifty-six, have been returned to the owners; and the remaining coupons, numbers eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen, are returned to the State.

It will be seen that there are remaining unpaid of bonds issued prior to January first, eighteen hundred and fifty-four, of principal, fifty-nine thousand six hundred dollars; of interest to that date, about fourteen thousand dollars; total, seventy-three thousand six hundred dollars. There is remaining of the appropriation, eighty-three thousand six hundred and eleven dollars; leaving a balance on hand, over and above the bonds and interest, up to January first, eighteen hundred and fifty-four, of not less than ten thousand dollars.

The entire amount of coupons and certificates returned to holders of redeemed bonds, and now outstanding, is one hundred and sixty-one thousand, one hundred and twenty dollars and ninety-one cents. The entire amount of coupons returned to the State is three hundred and seventeen thousand seven hundred and twenty-seven dollars and ten cents. The bonds redeemed have been cancelled, and are now on file in the Treasury Department. The General Government, by recognizing the bonds, and by the payment of interest up to January first, eighteen hundred and fifty-four, have virtually assumed the entire debt, and there is but little doubt of the speedy passage of an Act making an additional appropriation to cover the unpaid coupons now outstanding, as well as the amount of bonds issued subsequent to January first, eighteen hundred and fifty-four, a statement of which will be found accompanying this.

We cannot conclude our report without expressing our high appreciation of the services of Mr. A. J. F. Phelan, the Clerk of the Commission. His thorough knowledge of all the details connected with the origin of the War Debt, and his faithfulness and ability in discharging the onerous duties imposed upon him by the State, has very materially aided us in accomplishing all that has been effected toward the extinguishment of the debt.

All of which is respectfully submitted.

SAM. B. SMITH.  
J. W. DENVER,

Commissioners Cal. War Debt.

Sacramento City, January 5th, 1857.



It will be seen that the first Act of Congress required the Secretary of War to pay the amount he found due, according to the vouchers, to be paid into the State Treasury. The Act of the Legislature required the Commissioners to pay it to the bondholders, at Washington. The second Act of Congress required the Secretary of War to pay the bondholders the amount certified to be due them, of principal and interest, up to the first day of January, eighteen hundred and fifty-four. The Act also required the Commissioners to take off the coupons which remained unpaid. These coupons, running from January first, eighteen hundred and fifty-four, to September first, eighteen hundred and fifty-six, were detached from the bonds, as the law required, and returned to the bondholders. By reference to the report of the Commissioners, made to the Governor at the session of eighteen hundred and sixty, it will be seen that they had redeemed, of bonds and coupons, eight hundred and ninety-eight thousand two hundred and eighty-one dollars and seventy-nine cents, leaving a balance outstanding of ten thousand nine hundred and fifty dollars in bonds and interest due thereon up to January first, eighteen hundred and fifty-four. After these outstanding bonds, with interest, are paid, there would still be about ten thousand dollars of the appropriation remain unexpended, and which could not be made available to the State, for the reason that such excess was caused by taking into the estimate on which the appropriation was made warrants or certificates issued before the first of January, eighteen hundred and fifty-four, and not funded prior to that date.

The coupons which would have become due subsequent to September first, eighteen hundred and fifty-six, were detached from the bonds, and retained by the Commissioners, and have since then been deposited with the State Treasurer by said Commissioners. The bonds issued under the several Acts of the Legislature, passed prior to January first, eighteen hundred and fifty-four, but not issued until after that period, were not taken into the estimate by Congress.

By reference to the last annual report of Governor Downey, it will be seen that there is still outstanding, of interest, or coupons, on bonds paid, the sum of one hundred and seventy-two thousand eight hundred and sixty-eight dollars and fifty-four cents. Bonds remaining unpaid, thirty-eight thousand one hundred dollars. Interest due on the latter, seven thousand five hundred dollars. Total, two hundred and eighteen thousand four hundred and sixty-eight dollars and fifty-four cents. This sum is all due and payable by the State on the second day of May, eighteen hundred and sixty-two. By the terms of the Acts under which they were issued, the State is bound to pay these bonds and interest, and should provide some means for so doing at the present session. The State is not in a financial condition to meet them at this time, and the bondholders and holders of coupons, as far as we can learn, are willing to take new bonds of the State, payable in twenty years, at seven per cent. interest, payable semi-annually.

The Assembly bill provides for issuing bonds for the bonds and interest due thereon, issued *subsequent* to the first day of January, eighteen hundred and fifty-four, and would leave the bonds and interest due on those issued prior to that date, unprovided for. This would be manifest injustice to the holders of the coupons on the old bonds. The State has pledged her faith and credit to pay them if the General Government did not provide for their payment before they fell due. Thus the General Government has failed to do, and the holders of the coupons look to the State to comply with her obligations. Your Committee think the State

should not, in the first place, have taken the course she did in making herself liable for these debts, but having done so, her honor and credit require that she should immediately provide for meeting her obligations.

Some fault has been found with the Commissioners, by some parties, for returning the unpaid coupons to the bondholders. These coupons could not be paid by the terms of the Act of Congress, and the amount thereof being due to the holders, and no provision having been made to pay them, they certainly were entitled to have what belonged to them. And had it not been for the second Act of Congress providing for the manner of settlement, a very large portion of these bonds, and interest thereon, would not have been paid by the Congressional appropriation, but the holders would have had a just and legal claim for them against the State, which she could not have avoided paying. Therefore, instead of any injury arising from such action to the State, she was saved several hundred thousand dollars. These coupons were long since due. They, of course, draw no interest, but the bonds to which they were attached falling due on the second day of May next, they should be settled. Congress may, at some future day, provide for their payment, but the holders look first to the State. We therefore recommend the passage of the Assembly bill, with several amendments herewith presented.

The short time which we could give our attention to this matter, prevents us from entering more fully into detail.

On motion of Mr. Merritt, at half past two o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER, }  
Saturday, April 26th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Pacheco reported back Assembly bill No. 158, an Act supplemental to an Act entitled an Act to legalize certain grants and sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City of Santa Barbara, of lands belonging to said pueblo and city, approved fourteenth of May, eighteen hundred and sixty-one, and recommended its passage.

Bill, above reported, read third time, and passed.

Mr. Chamberlain offered a concurrent resolution, relative to printing three thousand copies of the report of the State Agricultural Society.

Adopted.

The resolution, heretofore adopted, on the same subject, was rescinded.

Mr. Rhodes reported back Assembly bill No. 430, an Act to give the Supervisors of Santa Clara County control over certain rivers therein named, and recommended its passage.

Bill, above reported, amended, read third time, passed, and title amended.  
Mr. Denver made the following report :

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 266, an Act authorizing the Board of Supervisors of the City and County of San Francisco to examine certain claims ;

Also, Senate bill No. 439, amendatory of an Act entitled an Act concerning the construction and repair of levees in the County of Sacramento ; and this day, April twenty-sixth, eighteen hundred and sixty-two, at a quarter past eleven o'clock, A. M., delivered the same to the Governor, for his approval.

DENVER, for Committee.

Mr. Shafter reported back Assembly bill No. 386, an Act for the relief of W. M. Lombard, and recommended its indefinite postponement.

The following supplemental Articles of Impeachment in the Hardy case, were presented by the Assembly, through their Managers ; which said Articles were ordered printed :

#### SUPPLEMENTAL ARTICLES OF IMPEACHMENT.

The Assembly of the State of California, in the name of themselves, and of all the People of the State of California, do hereby present additional and supplemental Articles of Impeachment against James H. Hardy, District Judge of the Sixteenth Judicial District of said State, for High Misdemeanors and Wilful and Corrupt Misconduct in his said office, and wilful neglect of the duties thereof, and exhibit against the said James H. Hardy, District Judge, as aforesaid, the following additional and supplemental Articles of Impeachment :

#### ARTICLE XVI.

On or about the first day of April, eighteen hundred and fifty-nine, a certain case, wherein The People of the State of California on the relation of the Attorney-General of the State, were plaintiffs, and, one Hill Squires was defendant, was pending in the District Court of said Sixteenth Judicial District, in and for the County of Calaveras, aforesaid, before the said James H. Hardy, District Judge, at which time, in the Court House, in the County of Calaveras, said cause came up for hearing and trial before said Hardy, as such Judge, and in which cause, after the hearing and trial thereof, the said James H. Hardy, as such Judge, at the county aforesaid, on or about the first day of June, A. D. eighteen hundred and fifty-nine, did, unlawfully, wilfully, corruptly, and fraudulently, render judgment in favor of said Hill Squires, the defendant in said cause, for the unlawful and corrupt purpose of securing his nomination and election to the office of District Judge of the Sixteenth Judicial District of said State, at the general election, A. D. eighteen hundred and fifty-nine.

#### ARTICLE XVII.

At the February term, A. D. eighteen hundred and sixty-two, of the

District Court of the said Sixteenth Judicial District, in and for the County of Calaveras, a certain case was pending and at issue in said Court, the said James H. Hardy being then and there the Judge thereof, as aforesaid, between J. R. Robinson and others, plaintiffs, and one George Leger and another, defendants, and the said James H. Hardy, acting as such Judge, then and there did, unlawfully, wilfully, and corruptly, continue and cause to be continued, the said case to the next term of said Court, then and there well knowing that there was no legal or sufficient cause for such continuance, with intent to hinder, delay, and defraud the plaintiffs, and out of favor and partiality to the defendants in said suit.

#### ARTICLE XVIII.

That, at the August term, A. D. eighteen hundred and sixty-one, of the District Court of the said Sixteenth Judicial District, in and for the County of Calaveras, a certain cause was pending and at issue in said Court, the said James H. Hardy being then and there Judge, as aforesaid, between one E. Mercier and another, plaintiffs, and W. C. Denny and others, defendants; and that on the fifteenth day of said August a motion was there made by the plaintiffs in said action to change the place of trial of said case to some other county in said State of California, which said motion was made at the Court House, in said County of Calaveras, where the term of said Court was being held by the said James H. Hardy, District Judge, as aforesaid, and that the said James H. Hardy, then and there, wilfully, unlawfully, and corruptly, refused to decide, and abstained from deciding, the said motion, for the unlawful and corrupt purpose of influencing and securing the votes of certain naturalized citizens residing in Calaveras County, and certain voters therein residing, at the then next ensuing general election to be held in this State, to the support of the candidates of a certain political party commonly known as the Breckinridge party, of which party the said James H. Hardy was then and there a member.

#### ARTICLE XIX.

The said James H. Hardy, District Judge of said Sixteenth Judicial District, at the February term, A. D. eighteen hundred and sixty-two, of his said Court, held in and for the said County of Calaveras, while presiding as such Judge in a certain action then and there tried before him, as such Judge, wherein one W. F. McDermott was plaintiff, and one William Higby was defendant, did, falsely, wilfully, unlawfully, and corruptly, find for the plaintiff, and against the defendant, and render judgment for the plaintiff upon the issues raised by a certain answer in abatement filed by the defendant in said suit, to which the plaintiff in said suit had replied, the said Hardy then and there well knowing said decision and finding to be unjust and unlawful, which said judgment was so rendered and decision made for the unlawful and corrupt purpose of bringing said cause to trial upon complaint, answer, and replication, on the merits thereof, thereby to consume and occupy the time of said Court, so as to prevent the trial of a certain other suit then at issue and before said Court and on the calendar thereof for trial, wherein E. Mercier et al. were plaintiffs, and W. C. Denny et al. were defendants, it being then and there important for the interests of said E. Mercier et al., plaintiffs, as aforesaid, that they should have a continuance of said cause until the then next term of said Court, and they having no sufficient or



legal ground for such continuance—all of which he, the said James H. Hardy, then and there well knew, and all of which the said James H. Hardy, then and there acting as such District Judge, as aforesaid, unlawfully and corruptly did, out of favor and partiality to the plaintiffs in said last mentioned cause.

#### ARTICLE XX.

The said James H. Hardy, at the August term of the District Court of the said Sixteenth Judicial District, held in and for the County of Calaveras, aforesaid, in the year of our Lord one thousand eight hundred and sixty-one, he being District Judge of said District, and presiding at the said term, did, wilfully, corruptly, and in gross violation of his duty as said Judge, neglect and omit to perform his duties of said office, and cause great delays in the business of said Court, then and there pending therein, and great cost, trouble, and inconvenience to suitors then and there before said Court, and great detriment to the public welfare, by abandoning his said official duties on the thirtieth day of August, A. D. eighteen hundred and sixty-one, and going to divers places in said Calaveras County, for the purpose of making political speeches, and failing and neglecting to appear in, or to hold said Court, during the remainder of said term, there being several suits set and ready for trial on that day, and the succeeding day of said term, and a jury being then and there in attendance, whereby said suits were necessarily continued until the next term of said Court.

#### ARTICLE XXI.

That, unmindful of the solemn duties of his office, and contrary to the same obligations by which he stood bound to discharge them faithfully and impartially, and without respect to persons, and in utter contempt of his judicial character as District Judge of the Sixteenth Judicial District, as aforesaid, he, the said James H. Hardy, while District Judge, aforesaid, at a term of the District Court, held in and for said Calaveras County, in the month of May, A. D. eighteen hundred and fifty-nine, and at other times, as hereinafter set forth, was guilty of unlawful and wilful misconduct, in his said office committed, as follows, to wit:

First. The said James H. Hardy, at the term of said Court last above mentioned, to wit: in said County of Calaveras, on or about the fourteenth day of May, A. D. eighteen hundred and fifty-nine, did, as such Judge, as aforesaid, scandalously exhibit an indecent solicitude for the interests of the defendants in the suit of *Posters vs. Fritz et al.*, mentioned in the first Article of this Impeachment, unbecoming and highly disgraceful to the character of a Judge, as it was subversive of justice.

Second. The said James H. Hardy, at the term of said Court, and on the day and year aforesaid, in said County of Calaveras, did, indecently and scandalously, and of his own motion, advise one S. W. Brockway, then and there an Attorney of said Court, and of Counsel for defendant in said last mentioned suit, to file a statement for a new trial in said cause, (judgment having previously, at said term, been rendered against the defendants therein,) and did then and there, prior to the filing of such statement, and in advance of the hearing of said motion, promise said Brockway that he would grant a new trial in said cause.

Third. That subsequently, at the term of said Court, held in and for said County of Calaveras, in the month of November, A. D. eighteen hundred and fifty-nine, the said James H. Hardy, District Judge, as

aforesaid, a motion for a new trial having been made and a statement filed in said last mentioned cause, did, scandalously and indecently, confidentially, privately, and aside, advise and direct one Allan P. Dudley, then and there an Attorney of said Court, and of Counsel for the plaintiff in said cause, not to file a brief on said motion for a new trial, and that he was going to decide said motion in his the said Dudley's favor, in consequence of which, said Dudley omitted to file said brief and to argue said motion, and did, then and there, at said term of said Court, decide said motion for a new trial in favor of the defendants in said cause, and against said Dudley, granting, by his said decision, a new trial in said cause; all of which the said Hardy, then and there, did, wilfully and unlawfully, and with the intent to deceive and mislead the said A. P. Dudley, Counsel, as aforesaid.

Fourth. That the said James H. Hardy, while District Judge, as aforesaid, has indecently and scandalously, and with corrupt intent, heretofore, to wit: in said Calaveras County, on or about the fourteenth day of May, A. D. eighteen hundred and fifty-nine, and at other times, while such District Judge told and advised the said A. P. Dudley, and the said S. W. Brookway, and one William L. Dudley, practising Attorneys before said Court, that whenever he had any discretion to use, as such Judge, he should use such discretion for his friends.

Fifth. That, at the February term of said Court, held in and for the County of Calaveras, aforesaid, A. D. eighteen hundred and sixty-two, the said James H. Hardy, being then and there District Judge of said District, and presiding at said term of said Court, did, indecently and scandalously, and out of wilful and unlawful favoritism and partiality for the plaintiffs in a certain cause then and there pending in said Court, wherein one E. Mercier and another were plaintiffs, and one W. C. Denny and others were defendants, unlawfully urge and solicit one William L. Dudley, then and there a practising Attorney in said Court, and engaged as Counsel in other causes then and there pending, to expend and consume as much time as possible in the trial of such causes, in order, unlawfully, wrongfully, and fraudulently, to effect the continuance of said cause, E. Mercier et al., *vs.* W. C. Denny et al., until the then next term of said Court, it being important to the interests of the said E. Mercier et al., plaintiffs in said cause, that the same should be continued until the said next term of said Court, and they having no sufficient or legal ground for such continuance; all which the said James H. Hardy then and there well knew, and all of which he then and there did, for the unlawful and corrupt purpose of subserving the private interests of said E. Mercier et al., to the great wrong and injury of the public welfare, and to the great oppression of the defendants in said cause; all of which is to the great scandal and disgrace of the dignity and purity of said office, of great detriment to the public good, and of corrupt and evil example.

#### ARTICLE XXII.

The said James H. Hardy, in entire disregard of his duty as such Judge, as aforesaid, and in violation of public decency, order, and good morals, has, during two years now last past, and while holding said office, been in the frequent and common habit, while holding the terms of the District Court of the Sixteenth Judicial District, in and for the County of Calaveras, and in and for the County of Amador, of becoming grossly intoxicated, and exhibiting himself to the public, as well by day as by night, in a state of gross drunkenness.

The foregoing additional and supplemental Articles of Impeachment were adopted by the Assembly on the twenty-fourth day of April, A. D. eighteen hundred and sixty-two.

GEORGE BARSTOW,  
Speaker of the Assembly.

Attest: JOHN SEDGWICK, Chief Clerk of Assembly

The following order was made :

SENATE CHAMBER,  
April 26th, 1862. }

In the matter of the Impeachment of James H. Hardy :

In said proceeding it is hereby ordered, That a copy of the Supplemental Articles of Impeachment, together with a copy of this order, be served upon said James H. Hardy, and that he answer the said Supplemental Articles on Monday, April twenty-eighth, eighteen hundred and sixty-two, at eleven o'clock, A. M., or at such further time as this Senate may appoint.

J. McM. SHAFTER,  
President pro tem.

GENERAL FILE.

Assembly bill No. 36, an Act to provide for the better care of the indigent sick in the County of San Bernardino—was amended, read third time, and passed.

Assembly bill No. 355, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—was amended, read third time, and lost.

Assembly bill No. 469, an Act to legalize certain records in Mono County—was amended, and Senate refused to order to a third reading.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT. }  
Sacramento, April 21st, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 401, an Act to authorize and empower José Lorenzo de Jesus Maria Piña, a minor, to dispose of his interest in certain real estate in the City of San Francisco ;

Also, Senate bill No. 330, an Act fixing the compensation of the County Auditor of Tulare County ;

Also, Senate bill No. 273, an Act to incorporate the City of Stockton ;

Also, Senate bill No. 306, an Act to appropriate certain funds ;

Also, Senate bill No. 329, an Act to make county warrants receivable in payment of taxes in Tulare County ;

Also, Senate bill No. 393, an Act to authorize the Board of Supervisors of the County of Contra Costa to audit and allow the claim of M. R. Barber, and to levy a special tax ;

Also, Senate bill No. 368, an Act to authorize the Executrix and Executor of the estate of John Frye, deceased, to sell the real estate of deceased at private sale ;

Also, Senate bill No. 439, an Act to amend an Act entitled an Act to extend the provisions of an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine, approved March thirteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 259, an Act to establish pounds in the County of Santa Clara.

LELAND STANFORD, Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
April 25th, 1862. }

MR. PRESIDENT :—The Assembly have appointed Messrs. Morrison, Kendall, and Ferguson, a Committee of Free Conference, on the part of the House, to confer with Messrs. Heacock, Shurtleff, and Parks, on the part of the Senate, on the disagreeing vote of the two Houses on the Senate amendments to Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes;

Also, this day amended, and passed, Senate bill No. 343, "Proposed Amendments to the Constitution of the State of California;"

Also, adopted Assembly concurrent resolution No. 37, relative to the return of a bill from the office of the Secretary of State.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 26th, 1862. }

MR. PRESIDENT :—The House, this day, passed Assembly bill No. 475, an Act to authorize the Board of Trustees of the Society of California Pioneers of San Francisco, to sell, mortgage and convey, certain real estate;

Also, passed Assembly bill No. 291, an Act to regulate fees in office in the County of Sacramento;

Also, passed Senate bill No. 211, an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty;

Also, amended, and passed, Senate bill No. 217, an Act to appoint Commissioners to adjust the affairs of the Counties of San Joaquin and Stanislaus;

Also, passed Senate bill No. 323, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

W. N. SLOCUM,  
Assistant Clerk.

Assembly concurrent resolution No. 37, above reported, was laid on the table.

Mr. Holden, by unanimous leave, introduced a bill for an Act to repeal an Act approved April tenth, eighteen hundred and sixty-two, entitled an Act to regulate fees of the Surveyor of Napa County.



Read first and second times, rules suspended, considered engrossed, read third time, and passed.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate bill No. 343, above reported: on concurring in Assembly amendment, the ayes and noes were demanded, by Messrs. Banks, Kutz, and Oulton, and taken, with the following result:

AYES—Messrs. Baker, Burnell, Denver, Gaskill, Harriman, Irwin, Lewis, Soule, and Van Dyke—9.

NOES—Messrs. Banks, Chamberlain, Harvey, Hathaway, Heacock, Kutz, Oulton, Parks, Powers, Rhodes, Shafter, Shurtleff, and Vineyard—13.

Assembly bill No. 475, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 291, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly amendments to substitute for Senate bill No. 217, above reported, concurred in.

Mr. Merritt, by unanimous leave, introduced a bill for an Act to authorize and empower the Administratrix of Lucius R. Beckley to sell and convey, and to partition certain real estate.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

#### GENERAL FILE RESUMED.

Senate bill No. 267, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one—amended, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 455, an Act to legalize and confirm a certain instrument recorded in the County Recorder's office of the City and County of San Francisco, to authorize Obed Alley Palmer, as Attorney, to convey certain lands—amended, rules suspended, considered engrossed, read third time, and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 26th, 1862. }

MR. PRESIDENT:—The Assembly this day passed Senate bill No. 108, concerning the exemption of homesteads and other property from forced sale in certain cases;

Also, amended and passed Senate bill No. 157, an Act to provide for binding minors by the Protection and Relief Society;

Also, indefinitely postponed Senate bill No. 250, an Act to appropriate money to pay the claim of James W. Hawkins;

Also, indefinitely postponed Senate bill No. 117, an Act to audit and allow the claim of J. C. Doherty;

Also, passed Senate bill No. 301, an Act for the relief of Paul d'Heirry, for services as Surgeon of the State Prison ;

Also, passed Assembly bill No. 243, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, etc. ;

Also, adopted the report of Committee of Free Conference on Senate amendments to Assembly bill No. 157, an Act to amend an Act to provide for the incorporation of railroad companies, etc. ;

Also, adopted the report of Committee of Free Conference on Senate amendments to Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes ;

Also, passed Assembly bill No. 450, an Act to grant the right of way for a railroad within the City and County of San Francisco.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly bill No. 450, above reported, read first and second times, and placed on file.

Assembly bill No. 243, above reported, read first and second times, and referred to Judiciary Committee.

Assembly amendments to Senate bill No. 157, above reported, concurred in.

Report of the Committee of Free Conference on Assembly bill No. 157, above reported, adopted.

Report of the Committee of Free Conference on Senate bill No. 346, above reported, adopted.

#### GENERAL FILE RESUMED.

Assembly bill No. 446, an Act to establish a State Normal School—amended, read third time, and passed.

Senate bill No. 408, an Act to establish a State Normal School—laid on table.

Assembly bill No. 363, an Act to provide for the appointment of a Measurer of Wood for the City and County of San Francisco—amended, read third time, and passed.

Assembly bill No. 336, an Act to provide for the construction of a public wagon road in Contra Costa County—amended, read third time, and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 26th, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that John W. Cherry and Charles A. Crane have been appointed by me as Inspectors of Stamps, to reside in the City of San Francisco, and ask the concurrence of the Senate therein.

LELAND STANFORD, Governor.

On motion of Mr. Denver, the Senate went into Executive Session.

## EXECUTIVE SESSION.

Upon the confirmation of the nomination of John W. Cherry, the roll was called, with the following result :

AYES—MESSRS. Baker, Banks, Burnell, Chamberlain, Denver, Gaskill, Harriman, Hathaway, Heacock, Holden, Irwin, Lewis, Merritt, Oulton, Parks, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Vineyard—22.

NOES—None.

Upon the confirmation of the nomination of Charles A. Crane, the roll was called, with the following result :

AYES—MESSRS. Baker, Banks, Burnell, Chamberlain, Denver, Gaskill, Harriman, Hathaway, Heacock, Holden, Irwin, Lewis, Merritt, Oulton, Parks, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Vineyard—22.

NOES—None.

## GENERAL FILE RESUMED.

Senate bill No. 427, an Act to amend an Act to regulate the settlement of the estates of deceased persons—was considered engrossed, read third time, and passed.

Senate bill No. 434, an Act to amend an Act to regulate descents and distributions, passed April thirteenth, eighteen hundred and fifty—was considered engrossed, read third time, and passed.

Mr. Baker made the following report :

MR. PRESIDENT:—The Committee of Free Conference on the disagreeing vote of the two Houses upon Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending thirtieth of June, eighteen hundred and sixty-two, beg leave to report, that the Committee recommend that the Senate recede from substitute to Assembly bill, as amended by the Committee of Free Conference.

THOMAS BAKER,  
R. C. GASKILL,  
B. W. HATHAWAY,  
Senate Committee.  
W. H. BARTON,  
I. N. HOAG,  
TILTON of San Fran.,  
Assembly Committee.

On motion of Mr. Denver, at fifteen minutes past three o'clock, P. M. the Senate adjourned.

J. F. CHELLIS,  
President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, April 28th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Mr. Pacheco was granted indefinite leave of absence.

Mr. Merritt offered the following resolution :

*Resolved*, That Charles A. Sumner and William M. Cutter, Short-Hand Reporters, be and are hereby appointed Official Reporters of the Senate, sitting as a High Court of Impeachment, in the case of Judge James H. Hardy, and that said Reporters each be allowed fifteen dollars per day, and twenty-five cents per folio, for the transcript of their notes. And, further,

*Resolved*, That two hundred and forty copies of the report of the testimony taken by said Official Reporters, on each day, be printed by the State Printer, and delivered to the Senate the following morning.

Adopted.

## HIGH COURT OF IMPEACHMENT.

SENATE CHAMBER,  
April 28th, 1862. }

STATE OF CALIFORNIA, )  
vs.  
JAMES H. HARDY. }

In accordance with the resolution heretofore adopted by the Senate of the State of California, the Senate convened as a High Court of Impeachment, to try James H. Hardy, Judge of the Sixteenth Judicial District of the State of California, upon charges preferred against him by the House of Assembly of the State of California, for misdemeanor in office.

The Secretary administered the following oath to the President pro tem. :

"You do solemnly swear that you will truly and impartially hear, try, and determine the Impeachment presented by the Assembly of the State of California, against James H. Hardy, Judge of the Sixteenth Judicial District of said State, and that you will true judgment render thereon according to the evidence given upon such trial, and according to law. So help you, God."

The roll of Senators was then called.

Present—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Denver, De Long, Gaskill, Harvey, Harriman, Hathaway, Heacock, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Perkins, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson.



Absent—Messrs. Bogart, Doll, Pacheco, Porter, Thomas, Gallagher, and Hill.

Messrs. Gallagher and Hill were granted one day leave of absence.

Mr. Bogart had indefinite leave of absence.

The President pro tem. administered the prescribed oath to the Senators present.

The Sergeant-at-Arms appeared, and subscribed to the following oath :

“I, A. G. Turner, do solemnly swear, that the return made and subscribed by me upon the process issued on the fifteenth day of April, eighteen hundred and sixty-two, by the Senate of the State of California, against James H. Hardy, is truly made, and that I have performed said services as therein described. So help me, God.”

A. G. TURNER.

Sergeant-at-Arms of Senate.

Whereupon, the following announcement was made by the Sergeant-at-Arms, by order of the President pro tem. :

“Hear ye! Hear ye! All persons will take notice, that the High Court of Impeachment, of the State of California, for the trial of James H. Hardy, is now in session, and are commanded to keep silence, on pain of imprisonment.”

The Secretary was directed to inform the Assembly that the Senate are now in their chamber, and are ready to proceed on the trial of Impeachment of James H. Hardy, Judge, and await the action of the Assembly.”

Mr. Crane offered the following resolution :

*Resolved*, That the sessions of this Court shall commence at ten o'clock, A. M.; and with one recess, not to exceed thirty minutes, continue in session, if business requires, until five o'clock, P. M., or after.

Laid on the table.

On motion of Mr. Irwin, the Twenty-Seventh Rule of the Senate was amended so as to read, “ten o'clock, A. M.,” for the hour of the meeting of the Senate.

The Managers on the part of the Assembly, with Mr. Pixley, Attorney-General, appeared, and took the seats assigned them.

Messrs. Alexander Campbell, William Higby, and Henry Edgerton, also appeared, as Counsel for the State, and C. H. S. Williams, as Counsel for the defence.

James H. Hardy, the defendant, being called by the President, appeared at the bar of the Senate, and, to the Articles of Impeachment, made answer, orally, as follows :

“To each and every Article, and to each and every specification, I plead *not guilty*, and deny the truth of the same.”

The Attorney-General moved that the oath be re-administered to the Senators present.

The President denied the motion.

The Attorney-General demanded the decision of the Senate, which was taken, and the motion denied by the Senate, by the following vote :

AYES—Messrs Banks, Chamberlain, Crane, De Long, Gaskill, Harvey,

Harriman, Hathaway, Heacock, Irwin, Kutz, Léwis, Nixon, Perkins, and Powers—15.

NOES—Messrs. Baker, Burnell, Denver, Holden, Kimball, Merritt, Oulton, Parks, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—18.

The Reporters elected by resolution this morning, appeared, and were sworn.

Mr. Porter, Senator from Santa Cruz and Monterey, appeared, and took the prescribed oath.

On motion of the Attorney-General, the Articles of Impeachment, and the supplemental Articles, were read by the Secretary.

Mr. McCullough, on the part of the Managers, announced that the case would be opened, on the part of the prosecution, by Mr. Higby.

Mr. Higby then made the opening argument.

Mr. Hill, Senator from Sonoma and Marin, appeared, and took the required oath.

On motion of Mr. Parks, the Court adjourned until eleven o'clock, A. M. to-morrow.

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IN SENATE.

On motion of Mr. Merritt, at five o'clock, P. M. the Senate adjourned until ten o'clock, A. M. to-morrow.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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IN SENATE.

SENATE CHAMBER,  
Tuesday, April 29th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Rhodes, from the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee, to whom was referred Assembly bill No. 462, an Act to appropriate money to pay the witnesses summoned to testify in the Hardy Impeachment case, beg leave to report, that they have had the same under consideration, and report it back, with amendments, and recommend its passage as amended;

They have also considered Assembly bill No. 460, an Act to regulate or abolish certain contracts for convict labor entered into by the late State Prison Directors, and recommend its passage.

A. L. RHODES, Chairman.

## RESOLUTIONS.

Mr. Oulton offered the following resolution :

*Resolved*, That the Clerk of the Committee on Claims, the Clerk of the Committee on Judiciary, the Assistant Enrolling and Engrossing Clerks, the Assistant Journal Clerk, the Paper Folder, and Night Watchman, of the Senate, be and are hereby discharged from the service of the Senate. And the President of the Senate is hereby instructed to reduce the number of Porters and Pages of the Senate, so as to conform strictly to the provisions of an Act entitled an Act fixing the number of officers and employes of the Senate and Assembly, to define their duties and to establish their pay, approved May twentieth, eighteen hundred and sixty-one.

Adopted.

Also, concurrent resolution relative to discharging Fireman and Porter.

Adopted.

Mr. Baker offered the following resolution :

*Resolved*, That L. B. Drew, Porter of the Senate, be allowed two dollars additional pay per day, from the commencement of the session, for extra services, payable out of the Contingent Fund of the Senate.

On the adoption of the resolution, the ayes and noes were demanded, by Messrs. Powers, Oulton, and Williamson, and taken, with the following result :

AYES—Messrs. Baker, Chamberlain, De Long, Gaskill, Harvey, Hariman, Hathaway, Heacock, Hill, Holden, Lewis, Merritt, Nixon, Perkins, Quint, Soule, Shurtleff, Warmcastle, and Williamson—19.

NOES—Messrs. Banks, Burnell, Crane, Denver, Irwin, Kimball, Kutz, Oulton, Parks, Porter, Powers, Rhodes, Shafter, Van Dyke, and Watt—15.

The President decided the resolution adopted.

Mr. Lewis gave notice of reconsideration.

Mr. Soule offered concurrent resolution relative to authorizing the Enrolling Clerk to change a letter in Senate bill No. 234.

Adopted.

The following order was made by the Senate :

"It is hereby ordered that all witnesses who shall attend upon the trial of the Articles of Impeachment of James H. Hardy, who shall be paid by the State, shall be allowed three dollars per day for each day's necessary attendance, and ten cents per mile for travel to and from the place of trial."

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, April 26th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 450, an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador;

Also, Senate bill No. 239, an Act for the relief of the Legatees of Abraham De Leeur, deceased;

Also, Senate bill No. 423, an Act to authorize the Board of Managers of the Industrial School Department of the City and County of San Francisco to grant and convey to the San Francisco and San José Railroad Company the right of way for the construction of said road over and through the land belonging to the said Industrial School Department;

Also, Senate bill No. 387, an Act to appropriate money to the Ladies' Relief Society, and other benevolent societies;

Also, Senate bill No. 397, an Act to grant the right of way to construct a toll bridge across Bear River, at or near McCourtney's Crossing, in the Counties of Nevada and Placer;

Also, Senate bill No. 420, an Act to repeal an Act entitled an Act to regulate the fees of certain officers in Calaveras County, approved May twentieth, eighteen hundred and sixty-one;

Also, Senate bill No. 388, an Act to grant the right to construct a turnpike road between the town of Grass Valley, in the County of Nevada, and a point on Bear River, at or near McCourtney's Crossing;

Also, Senate bill No. 445, an Act providing for the times of holding Court in the Sixteenth Judicial District;

Also, Senate bill No. 441, an Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, to the votes of the qualified electors at the next general election;

Also, Senate bill No. 412, an Act to authorize the County Auditors of the Counties of Mono, Tuolumne, and San Joaquin, to issue certain bonds, and provide for the construction of a road therein named.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, April 28th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 266, an Act authorizing the Board of Supervisors of the City and County of San Francisco to examine certain claims;

Also, Senate bill No. 459, an Act amendatory of and supplementary to an Act entitled an Act concerning the construction and repair of levees in the County of Sacramento, and the mode of raising revenue therefor, approved April ninth, eighteen hundred and sixty-two;

Also, Senate bill No. 288, an Act to repeal an Act entitled an Act to incorporate the City of Sonoma.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, April 28th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate



bill No. 415, an Act to provide for the government of the common schools in the City of Sacramento;

Also, Senate bill No. 403, an Act to audit and allow the claim of T. J. A. Chambers;

Also, Senate bill No. 410, an Act to extend the time for the completion of the California Northern Railroad Company's road;

Also, Senate bill No. 438, an Act to authorize and require the Board of Supervisors of the County of Alameda to pay certain claims;

Also, Senate bill No. 358, an Act appropriating money to pay the claim of Eugene Lies, for translating State documents.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 28th, 1862. }

*To the Honorable the Senate of California:*

I herewith return to your honorable body, without my approval, Senate bill No. 372, an Act for the collection of taxes on consigned goods.

This bill may be objectionable upon Constitutional grounds, which readily suggest themselves, but as its unconstitutionality is not sufficiently clear to me to cause the withholding of my approval, I will state at once, as briefly as possible, the real and conclusive objection in my mind to the provisions of the Act.

The bill creates a Board of three Commissioners, with most extraordinary and inquisitorial powers, and some of its stipulations are, I believe, without precedent in the history of modern legislation, and in contravention entirely with the spirit of our institutions and of the age.

The bill authorizes the inspection, by the Commissioners appointed under it, of *all* the most private papers and books of accounts belonging to the person or persons whom the Commission may believe to be subject to the provisions of the Act, and gives to them the right to issue attachments for all the books and papers of such persons, however valuable they may be, without providing adequate security for their safe keeping or return, and without specifying how long they may be retained, nor in what kind of a depository they are to be kept while in possession of the said Commissioners. In this way, the most private and important transactions of the merchant may be divulged, to his prejudice and possible ruin. Books and papers, and interests involving a vast amount of capital, may be jeopardized and lost, and yet the Commissioners give no bonds for the security of all these, nor for the proper discharge of their duties.

The impolicy, injustice, and danger, to be apprehended from the passage of this bill, and its approval by the Executive, are so manifest, that I have no hesitation in returning it, without my signature, to the House whence it originated.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 28th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that Romualdo Pacheco has been appointed by me Brigadier-General of the First Brigade, California Militia, and ask the concurrence of the Senate therein.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 28th, 1862.

*To the Honorable the Senate of California :*

I have to inform your honorable body that William C. Kibbe has been appointed by me Adjutant-General of the State of California, and ask the concurrence of the Senate therein.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 28th, 1862.

*To the Honorable the Senate of California :*

I have to inform your honorable body that Lucius H. Allen has been appointed by me Major-General of the Militia of the State of California, and ask the concurrence of the Senate therein.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 28th, 1862.

*To the Honorable the Senate of California :*

I have to inform your honorable body that John S. Ellis has been appointed by me Brigadier-General of the Second Brigade, California Militia, and ask the concurrence of the Senate therein.

LELAND STANFORD, Governor.

CONSIDERATION OF GOVERNOR'S MESSAGES.

The above message, returning Senate bill No. 372, with objections, was made special order for Wednesday, thirtieth April, immediately after the reading of the Journal.

On motion of Mr. Perkins, the Senate went into Executive Session, to consider the appointments made by His Excellency.

EXECUTIVE SESSION.

Upon the confirmation of Romualdo Pacheco as Brigadier-General, the roll was called, with the following result :

AYES—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Denver, De Long, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Perkins, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—34.

NOES—None.

Upon the confirmation of William C. Kibbe as Adjutant-General, the roll was called, with the following result :

AYES—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, De Long, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Irwin, Kimball, Kutz, Nixon, Oulton, Parks, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—31.

NOES—Messrs. Denver and Merritt—2.

Upon the confirmation of Lucius H. Allen, as Major-General, the roll was called, with the following result :

AYES—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Denver, De Long, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—35.

NOES—None.

Upon the confirmation of John S. Ellis, as Brigadier-General, the roll was called, with the following result :

AYES—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Denver, De Long, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—35.

NOES—None.

The President announced the hour for the Senate to assemble as a Court of Impeachment.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA, )	SENATE CHAMBER,	}
<i>vs.</i>	April 29th, 1862.	
JAMES H. HARDY. )		

President pro tem. presiding.

Roll called.

Absent—Messrs. Bogart, Doll, Pacheco, Thomas, Soule, and Vineyard.

Mr. Gallagher, Senator from Calaveras, came forward and took the prescribed oath.

The Prosecution continued the examination of its witnesses.

Mr. Brockway and Mr. Genung were recalled.

On motion of Mr. Parks, the Court took a recess of thirty minutes.

Senate reassembled as Court of Impeachment.

Mr. William L. Dudley sworn.

(For testimony, see Appendix.)

Court adjourned until eleven o'clock A. M., to-morrow.

## IN SENATE.

At five o'clock, P. M., on motion of Mr. De Long, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, April 30th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. De Long moved to make Assembly bill No. 460, an Act to regulate or abolish certain contracts for convict labor entered into between the several parties therein named and the State of California, as represented by John G. Downey, Don Pablo De la Guerra, and Johnson Price, State Prison Directors, the special order for Friday, May second, immediately after the reading of the Journal.

Pending the consideration of the motion, the special order, the message of the Governor, returning Senate bill No. 372, an Act for the collection of taxes due on consigned goods, was taken up.

Upon the question: "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result:

AYES—Messrs. Chamberlain, Crane, Denver, Holden, Kimball, Kutz, Nixon, Oulton, Perkins, Porter, Rhodes, Warmcastle, and Watt—13.

NOES—Messrs. Baker, Banks, Burnell, De Long, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Irwin, Lewis, Merritt, Parks, Powers, Shafter, Soule, Shurtleff, Van Dyke, and Williamson—20.

Mr. De Long gave notice of reconsideration.

The motion of Mr. De Long to make Assembly bill No. 460 special order for Friday, May second, was taken up, and carried.

On motion of Mr. Rhodes, Senate bill No. 343, proposed amendments to the Constitution, was taken from the Assembly messages, and Messrs. Shafter, Banks, and Rhodes, were appointed a Committee of Free Conference on the disagreeing vote of the two Houses on the bill.

Mr. Pacheco was excused from serving on the Committee of Free Conference on the General Appropriation bill, and Mr. Chamberlain appointed in his stead.

Mr. Perkins moved to take up Senate bill No. 300.

Lost.

Senate bill No. 461, an Act to repeal an Act, approved April tenth, eighteen hundred and sixty-two, entitled an Act to regulate the fees of the County Surveyor of Napa County.

On concurring in the Assembly amendments, the ayes and noes were demanded, by Messrs. Holden, Watt, and Powers, and taken, with the following result:

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, Harvey, Harriman, Hathaway, Heacock, Hill, Irwin, Kimball, Kutz, Oulton, Parks, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Van Dyke, and Watt—22.

NOES—Messrs. Gaskill, Holden, Lewis, Shurtleff, Warmcastle, and Williamson—6.



The hour having arrived for the Senate to assemble as a Court of Impeachment, the President pro tem. assumed the Chair.

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## HIGH COURT OF IMPEACHMENT

STATE OF CALIFORNIA, }	SENATE CHAMBER,
vs. }	April 30th, 1862. }
JAMES H. HARDY. }	

Mr. William L. Dudley was recalled.

The examination of the witness being concluded, the Court took a recess of thirty minutes.

Court reassembled, and Mr. Genung was recalled.

The following witnesses were sworn, and testified on behalf of the State:

Messrs. A. P. Dudley, H. J. Tilden, Charles Woods, Charles P. Dudley, J. S. Smith, William Nellis, Henry Phillips, George Sherman, W. K. Boucher, and J. W. Griswold.

Court adjourned until eleven A. M. to-morrow.

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### IN SENATE.

On motion of Mr. De Long, at four o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate

Attest: THOMAS HILL, Secretary of Senate.

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### IN SENATE.

SENATE CHAMBER,	}
Thursday, May 1st, 1862.	

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Denver, from the Committee of Free Conference, on the disagreeing vote of the two Houses, on Assembly bill No. 365, an Act making appropriations for the deficiencies in the appropriations for the thirteenth fiscal year, made a verbal report, stating that the Committee were not able to agree, and asked that the Committee be discharged.

Whereupon the Committee were discharged.

Mr. De Long moved to reconsider the vote by which the Senate on

yesterday sustained the Governor's veto of Senate bill No. 372, an Act for the collection of taxes due on consigned goods.

Mr. Parks arose to a point of order. That a motion to reconsider a vote on a veto of the Governor, was not in order.

The President decided that the point of order was well taken.

From which decision Mr. Perkins appealed.

On the question: "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded, by Messrs. Watt, Merritt, and Burnell, and taken, with the following result:

AYES—MESSRS. Banks, Burnell, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Williamson—24.

NOES—MESSRS. Baker, Chamberlain, Crane, De Long, Holden, Perkins, Quint, Warmcastle, and Watt—9.

Mr. Burnell moved to reconsider the vote by which the Senate on yesterday concurred in Assembly amendments to Senate bill No. 461, an Act to repeal an Act approved April tenth, eighteen hundred and sixty-two, entitled an Act to regulate the fees of the County Surveyor of Napa County.

Mr. Oulton moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Merritt, and Burnell, and taken, with the following result:

AYES—MESSRS. Banks, Burnell, Chamberlain, Crane, Gallagher, Harvey, Hathaway, Heacock, Hill, Irwin, Kimball, Kutz, Merritt, Nixon, Parks, Perkins, Powers, Rhodes, Shafter, Soule, and Van Dyke—21.

NOES—MESSRS. Baker, Denver, De Long, Gaskill, Holden, Lewis, Oulton, Porter, Quint, Shurtleff, Warmcastle, Watt, and Williamson—13.

On motion of Mr. Gallagher, Assembly bill No. 462, an Act to appropriate money to pay the witnesses summoned to testify in the Hardy Impeachment case, was taken from Assembly messages and recommitted to the Judiciary Committee, with instructions to inquire into the manner of payment heretofore made to a portion of said witnesses.

The hour having arrived for the Senate to assemble as a High Court of Impeachment, the President pro tem. assumed the Chair.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA, )	SENATE CHAMBER.	}
vs.	May 1st. 1862.	
JAMES H. HARDY. )		

The following named gentlemen were sworn and examined as witnesses on behalf of the State, viz.:

E. B. White, John Hanson, W. J. Gatewood, W. C. Denny, Joel Brown, Jr., J. G. Lawrence.

At half past twelve o'clock, P. M., the Court took a recess for thirty minutes.

Court reassembled, and the following witnesses were sworn, and testified on behalf of the State:

Messrs. Alfred Allen, W. S. Coolidge, S. P. Axtell, Daniel T. Taylor.

Also, J. McM. Shafter was sworn by E. V. Joice, Notary Public, and testified on behalf of the State.

The Attorney-General announced that the testimony on behalf of the State was closed, reserving the right of calling Messrs. John H. Finnegan and F. La Roy, heretofore subpoenaed as witnesses on behalf of the State.

At fifteen minutes past three o'clock, P. M., the Court adjourned until eleven o'clock, A. M. to-morrow.

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IN SENATE.

Substitute for Senate bill No. 173, an Act to authorize the incorporation of canal companies and the construction of canals, was taken up, and Assembly amendments concurred in.

Mr. De Long moved to reconsider the vote by which the above amendments were concurred in.

Carried.

The bill was then laid on the table.

On motion of Mr. Denver, at forty-five minutes past three o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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IN SENATE.

SENATE CHAMBER,

Friday, May 2d, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Indefinite leave of absence was granted to Mr. Vineyard, on account of sickness.

SPECIAL ORDER.

Assembly bill No. 460, an Act to regulate or abolish certain contracts for convict labor entered into between the several parties therein named and the State of California, as represented by John G. Downey, Don Pablo De la Guerra, and Johnson Price, State Prison Directors of the said State.

Mr. Watt moved to indefinitely postpone the bill.

Carried.

Mr. Gaskill moved to appoint a new Committee of Free Conference on Assembly bill No. 364, the General Appropriation bill.

Upon which, the ayes and noes were demanded, by Messrs. Gaskill, Perkins, and Heacock, and taken, with the following result :

**AYES**—Messrs. Banks, Chamberlain, Crane, De Long, Gaskill, Harriman, Hathaway, Heacock, Kutz, Nixon, Perkins, Porter, Powers, Quint, Soule, and Williamson—16.

**NOES**—Messrs. Baker, Burnell, Denver, Gallagher, Harvey, Holden, Irwin, Lewis, Merritt, Oulton, Parks, Rhodes, Shafter, Shurtleff, Van Dyke, Warmcastle and Watt—17.

Mr. De Long, by leave, introduced a bill for an Act to authorize the Board of Supervisors of the County of Yuba to issue bonds of said county to the California Central Railroad Company, to the amount of one hundred thousand dollars.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Rhodes moved to reconsider the vote by which the Senate refused to concur in the Assembly amendment to Senate bill No. 343—amendments to the Constitution.

Carried.

Amendment concurred in.

Upon the adoption of the bill, as amended, the roll was called, with the following result :

**AYES**—Messrs. Baker, Banks, Burnell, Chamberlain, Crane, Denver, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Holden, Irwin, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Warmcastle—28.

**NOES**—Messrs. De Long, Hill, Quint, Watt, and Williamson—5.

The amendments to the Constitution, as amended and finally adopted by both Houses, are as follows :

#### PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. eighteen hundred and sixty-two, propose the following amendments to section twenty-six of Article four of the Constitution :

#### ARTICLE FOUR.

Section 26. The Legislature shall not pass special or local laws in any of the following enumerated cases—that is to say :

For the punishment of crimes or misdemeanors.

Regulating the practice in Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, or Constables.

Changing, or providing for changing, the venue in civil or criminal actions.

Granting divorces.

Changing the names of persons, companies, or corporations.

For laying out, establishing, or opening, roads, streets, or alleys.

For vacating roads, streets, alleys, or public squares.



Providing for selecting, summoning, or empanelling grand or trial juries.

Regulating county business.

For the assessment or collection of taxes for State or county purposes.

For supporting common schools.

Providing for opening or conducting elections of State or county officers, or designating the places of voting.

Granting the right to maintain a ferry.

Granting the right to construct or maintain a bridge, except across waters that have been declared to be navigable.

Granting the right to use or occupy, for a railroad or other purposes, a street or alley in any city or town.

Providing for the sale of the real or personal property belonging to any minor or other person, laboring under a legal disability, or to the estate of a deceased person, by an Executor, Administrator, Guardian, Trustee, or other person.

In all the cases enumerated in this section, and in all other cases where general laws can be applicable, all laws shall be general, and have a uniform operation throughout the State.

#### REPORTS.

Mr. Porter, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 448, an Act to legalize the assessment and levy of city taxes, and authorize the collection of the same, in the City of Oakland;

Also, Senate bill No. 114, an Act to fix the salary of the County Judge of the County of Placer;

Also, Senate bill No. 392, an Act fixing the salaries of the Governor's Private Secretary and of the Clerk in the Executive Department;

Also, Senate bill No. 411, an Act to amend an Act to make certain offices in Tuolumne County salaried offices;

Also, Senate bill No. 454, an Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said district;

Also, Senate bill No. 453, an Act to fix the term of the Court of Sessions, Probate Court, and County Court of the County of Contra Costa;

Also, Senate bill No. 301, an Act for the relief of Paul d'Heirry, for services as Surgeon of the State Prison;

Also, Senate bill No. 456, an Act to authorize Rita de la Osa to sell certain real estate;

Also, Senate bill No. 347, an Act to pay certain warrants of the City of Sacramento, herein mentioned;

Also, Senate concurrent resolution No. 57, relative to appointing an Assistant Fireman;

Also, Senate concurrent resolution No. 55, relative to the County Judge of Trinity County;

Also, Senate bill No. 232, an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned;

Also, Senate bill No. 224, an Act to appropriate money for the erection of a building for the use of the Home for the Inebriate;

And this day, May first, delivered the foregoing bills to the Governor, for his approval.

PORTER, Chairman.

Mr. Harvey, from the Joint Committee on State Hospitals and Public Buildings, made the following report :

MR. PRESIDENT :—The Joint Committee on State Hospitals and Public Buildings, to whom was referred Assembly bill No. 414, an Act to provide for the maintenance and government of the State Reform School, have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

HARVEY, for Committee.

Mr. Powers moved to take up Assembly bill No. 440.

Lost.

Substitute for Senate bill No. 173, an Act to authorize the incorporation of canal companies and the construction of canals, was taken up.

The Senate refused to concur in Assembly amendments, and appointed Messrs. Parks, Oulton, and Harvey, a Committee of Free Conference.

The hour having arrived for the Senate to assemble as a Court of Impeachment, the President pro tem. assumed the Chair.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA, )	SENATE CHAMBER,	}
<i>vs.</i>	April 30th, 1862.	
JAMES H. HARDY. )		

President pro tem. presiding.

Roll called.

On motion of Mr. Shurtleff, it was ordered :

That the Committee on Public Printing be instructed to procure a speedy daily publication of the testimony on the trial of Judge James H. Hardy, now pending before this body, and cause copies thereof to be furnished Counsel and members of the Court.

John H. Finnegan was sworn for the Prosecution.

The Prosecution rested.

Thomas Laspeyre was sworn for the Defence.

The following question was raised :

" Shall the Defendant be permitted to prove his general language and conduct, indicative of his feelings and opinions relative to the Federal Government, which language and conduct were not alluded to, or brought out in the testimony in chief, on the part of the Prosecution?"

Objected to by the Managers.

Objection overruled by the Chair.

Court took a recess of thirty minutes.

Court reassembled.

Messrs. Campbell, Edgerton, and Higby, formally withdrew from the further prosecution of the case.

Whereupon the Court adjourned until eleven o'clock, A. M. to-morrow.

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IN SENATE.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
April 26th, 1862. }

Mr. PRESIDENT :—The Assembly this day passed Assembly bill No. 193, an Act concerning fees of certain officers of the City and County of Sacramento ;

Also, refused to concur in Senate amendments to Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties, etc., and appointed Messrs. Sears, Irwin, and Benton, a Committee of Free Conference on the disagreeing vote, and request the Senate to appoint a like Committee ;

Also, this day the Assembly adopted the amendments reported by Committee of Free Conference on Assembly bill No. 365, an Act making appropriations for deficiencies ;

Also, appointed Messrs. Teegarden, Meyers, and Collins, a Committee of Free Conference on the part of the Assembly, to confer with Messrs. Harvey, Harriman, and Rhodes, on the part of the Senate, on the disagreeing vote of the two Houses, on Assembly amendments to Senate bill No. 221, concerning the establishment of an Insane Asylum ;

Also, this day passed Senate bill No. 303, to create a Contingent Fund for the County of Contra Costa ;

Also, this day passed Senate bill No. 359, amendatory of the Act to authorize the State Treasurer to issue bonds for payment of expenses incurred in the suppression of Indian hostilities ;

Also, this day passed Senate bill No. 412, amendatory of an Act concerning roads and highways in Sacramento County ;

Also, amended and passed Senate bill No. 426, to fix the time for holding the terms of the District Court of the Seventh Judicial District, in Solano County ;

Also, this day passed Senate bill No. 460, an Act supplementary to an Act to empower M. G. Vallejo to convey certain real estate.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 29th, 1862. }

Mr. PRESIDENT :—The Assembly, yesterday, amended and passed Senate bill No. 173, an Act to authorize the incorporation of canal companies, etc. ;

Also, amended and passed Senate bill No. 461, an Act to repeal an Act, approved April tenth, eighteen hundred and sixty-two, entitled an Act to regulate the fees of the County Surveyor of Napa County ;

Also, refused to recede from its amendments to Senate bill No. 343, proposed amendments to the Constitution ;

Also, laid on the table Senate bill No. 292, an Act to pay Paul R. Hunt, etc.;

Also, passed Senate bill No. 267, an Act to amend an Act to provide for the incorporation of railroad companies;

Also, Senate bill No. 367, an Act to amend an Act authorizing the Administrators of G. A. Grant to sell real estate;

Also, Senate bill No. 428, an Act to amend an Act defining the time for commencing civil actions;

Also, Senate bill No. 432, an Act supplemental to the Act concerning the office of Surveyor-General;

Also, Senate bill No. 449, an Act to provide for filing a list of lands donated to the State by Congress;

Also, Senate bill No. 455, an Act to legalize a certain instrument recorded in the County of San Francisco;

Also, Senate bill No. 462, an Act to authorize the Administratrix of Lucius R. Beckly to sell real estate;

Also, Assembly bill No. 267, an Act to authorize Feliciano Girado de Tapia to sell real estate of deceased husband;

Also, Assembly bill No. 375, an Act granting John H. Johnson right to construct a bridge across Russian River;

Also, Assembly bill No. 418, an Act to prevent nuisances on water courses;

Also, Assembly bill No. 480, an Act to submit the claim of William Martin against the County of Siskiyou, to the voters thereof;

Also, this day passed Senate concurrent resolution No. 69, relative to authorizing the Enrolling Clerk to change a letter in Senate bill No. 234.

W. N. SLOCUM.

Assistant Clerk.

ASSEMBLY CHAMBER, )  
April 30th, 1862. }

MR. PRESIDENT:—The Assembly, on the twenty-eighth instant, passed Assembly bill No. 242, an Act concerning County Recorders;

Also, Assembly bill No. 426, an Act to appropriate money for the maintenance and support of District and County Agricultural and Mechanical Societies;

Also, Assembly bill No. 381, an Act fixing the salary of Judge of San Luis Obispo County;

Also, Assembly bill No. 380, an Act fixing the salary of County Judge, and of District Attorney of Klamath County;

Also, Assembly bill No. 304, an Act to amend section three of the Act regulating common schools;

Also, Assembly bill No. 411, an Act to amend an Act to create a Board of Examiners.

Also, Assembly bill No. 456, an Act to authorize the payment of a certain claim;

Also, Assembly bill No. 478, an Act to grant the right to construct a turnpike road in the County of Tuolumne;

Also, Senate bill No. 392, an Act fixing the salaries of the Governor's Private Secretary, and Clerk;

• Also, indefinitely postponed Senate bill No. 216, an Act amendatory of an Act to regulate proceedings in civil cases;

Also, indefinitely postponed Senate bill No. 447, an Act to provide for the appointment of a Gauger of Liquors;



Also, passed Assembly bill No. 140, an Act to authorize P. C. Lander to build a wharf at Point Avisadero.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
May 1st, 1862. }

Mr. PRESIDENT:—The Assembly, this day, appointed Mr. Porter one of the Committee of Free Conference on Assembly bill No. 364, the General Appropriation bill;

Also, passed Senate bill No. 365, an Act concerning Coroners;

Also, passed Senate bill No. 183, an Act to authorize the State Treasurer to issue war bonds to A. W. Bee;

Also, amended and adopted Senate concurrent resolution No. 61, relative to discharging Fireman and Porter;

Also, passed Assembly bill No. 482, an Act amendatory of the Revenue Act;

Also, passed Assembly bill No. 479, an Act amendatory of the Revenue Act;

Also, passed Assembly bill No. 481, an Act concerning the School Fund;

Also, passed Assembly bill No. 447, an Act empowering John A. Rudsill and associates to construct a turnpike road in Sonoma County.

W. N. SLOCUM,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate concurred in Assembly amendment to Senate concurrent resolution No. 61, above reported.

Assembly bill No. 447, above reported, read first and second times, and indefinitely postponed.

Assembly bill No. 481, above reported, read first and second times, and referred to Committee on Education.

Assembly bill No. 479, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 481, above reported, read first and second times, and referred to Finance Committee.

On the adoption of the report of the Committee of Free Conference on Assembly bill No. 365, above reported, the ayes and noes were demanded, by Messrs. Gaskill, Rhodes, and Oulton, and taken, with the following result:

AYES—Messrs. Baker, Gaskill, Hathaway, and Williamson—4.

NOES—Messrs. Banks, Burnell, Chamberlain, Crane, Denver, Gallagher, Harvey, Harriman, Holden, Irwin, Kutz, Lewis, Oulton, Parks, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, and Watt—23.

Messrs. Crane, Gaskill, and Perkins, were appointed a Committee of Free Conference on Assembly bill No. 261, above reported.

Assembly bill No. 267, above reported, read first and second times, and placed on file.

Assembly bill No. 140, above reported, read first and second times, and placed on file.

Assembly bill No. 380, above reported, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 381, above reported, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 375, above reported, read first and second times, and indefinitely postponed.

Mr. Perkins moved to suspend the rules, and take up Assembly concurrent resolutions memorializing Congress relative to the dangers of Chinese immigration.

Upon which, the ayes and noes were demanded, by Messrs. Perkins, Watt, and Irwin, and taken, with the following result :

AYES—Messrs. Banks, Chamberlain, Crane, Gallagher, Harriman, Hathaway, Heacock, Hill, Kutz, Nixon, Perkins, Porter, Powers, Quint, Shafter, Soule, Shurtleff, Van Dyke, and Watt—19.

NOES—Messrs. Baker, Burnell, Denver, Gaskill, Holden, Irwin, Lewis, Oulton, Parks, Rhodes, Warmcastle, and Williamson—12.

Assembly bill No. 456, above reported, read first and second times, and referred to San Francisco delegation.

Assembly bill No. 193, above reported, read first and second times, rules suspended, amended, read third time, and passed.

Assembly bill No. 411, above reported, read first and second times, and referred to Finance Committee.

Assembly bill No. 418, above reported, read first and second times, and referred to Judiciary Committee.

Assembly amendments to Senate bill No. 426, above reported, were concurred in by the Senate.

Assembly bill No. 304, above reported, read first and second times, and laid on the table.

Assembly bill No. 480, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 478, above reported, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 242, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly bill No. 426, above reported, read first and second times, and referred to the Committee on Agriculture.

#### GENERAL FILE.

Senate bill No. 22, an Act to authorize Joseph Galloway to construct and maintain a wharf in the City and County of San Francisco—rules suspended, considered engrossed, read third time, and passed.

Mr. Parks gave notice of a reconsideration of the vote just taken.

Assembly bill No. 440, an Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 463, an Act amendatory of an Act entitled an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty, was taken up.

Pending the consideration of the same, on motion of Mr. Gaskill, at fifteen minutes past four o'clock, p. m., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, May 3d, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Chamberlain reported back Assembly bill No. 426, with amendments, and recommended its passage.

Mr. Perkins moved to take from the file Assembly concurrent resolution No. 32, and memorial connected therewith, relative to Chinese immigration.

Upon which, the ayes and noes were demanded, by Messrs. Perkins, De Long, and Chamberlain, and taken, with the following result :

AYES—MESSRS. Banks, Chamberlain, Crane, De Long, Gallagher, Hariman, Hathaway, Heacock, Holden, Kimball, Kutz, Nixon, Perkins, Powers, Quint, Shafter, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—21.

NOES—MESSRS. Baker, Burnell, Denver, Gaskill, Harvey, Irwin, Lewis, Merritt, Oulton, Parks, Rhodes, and Soule—12.

It requiring a two-thirds vote, the motion was lost.

A message having been received from the Governor, Mr. De Long renewed the motion made by Mr. Perkins.

Pending the consideration of which, the hour arrived for the Senate to assemble as a Court of Impeachment, and the President pro tem. assumed the Chair.

## HIGH COURT OF IMPEACHMENT.

SENATE CHAMBER,  
May 3d, 1862. }

STATE OF CALIFORNIA, }  
VS. }  
JAMES H. HARDY. }

Mr. Powers made the following report to the Court :

MR. PRESIDENT:—The Committee on Public Printing, to whom was referred the subject of procuring the speedy printing of the evidence now being taken in the Impeachment case pending before the Senate, respectfully report, that upon consultation with the State Printer, and with the official Reporters, the Committee are convinced that it is an absolute physical impossibility, either to write out the copy or to perform the mechanical labor necessary to meet the expectations which appear to have been entertained; and the Committee are satisfied that Senators will, without further action, be in possession of the printed evidence as soon as the means in this city will permit.

POWERS,  
KUTZ,  
LEWIS,  
DE LONG,  
HEACOCK

Upon motion of the Managers upon the part of the Assembly, it is ordered:

That the Assembly, by itself or its Managers, have the sole right to direct and control the trial upon the Articles of Impeachment in this case, and that said Managers be informed thereof.

Pending the argument of the above order, Mr. Hathaway moved that the hall be cleared.

Upon which, the roll was called, with the following result:

**AYES**—Messrs. Chamberlain, Denver, Harriman, Hathaway, Irwin, Kimball, Lewis, Merritt, Nixon, Oulton, Perkins, Porter, Powers, Soule, and Van Dyke—15.

**NOES**—Messrs. Baker, Banks, Burnell, Crane, De Long, Gallagher, Gaskill, Harvey, Heacock, Holden, Kutz, Parks, Quint, Rhodes, Shurtleff, Warmcastle, Watt, and Williamson—18.

On the adoption of the order, the roll was called, with the following result:

**AYES**—Messrs. Banks, Burnell, Chamberlain, Crane, De Long, Harvey, Harriman, Hathaway, Kimball, Kutz, Nixon, Oulton, Parks, Perkins, Porter, Rhodes, Soule, Shurtleff, and Van Dyke—19.

**NOES**—Messrs. Baker, Gaskill, Heacock, Holden, Irwin, Lewis, Merritt, Powers, Quint, Watt, and Williamson—11.

The Managers then informed the Court that they had employed, as Counsel, Messrs. Campbell, Edgerton, and Higby, and asked that they be recorded as such.

The Counsel for Defence moved that an order be entered upon the Journal, that but one Counsel shall be heard upon a side, in summing up, and that the Defendant shall have the closing argument.

The Senate decided not to entertain the motion at the present time.

Thomas Laspeyre was recalled.

William D. Aylett and Charles T. Botts were sworn.

It was ordered by the Court:

That all witnesses of the Respondent be discharged from further attendance, after their examination.

Richard Irwin, Francis Snyder, W. J. Gatewood, Isaac Levy, and Frederick Shoher, were sworn.

Counsel for Respondent offered to prove that Respondent's acts and declarations, during the time in question, showed his loyalty and devotion to the Constitution and Government of the United States.

Proof allowed by the Senate, by the following vote:

**AYES**—Messrs. Baker, Burnell, Chamberlain, Denver, De Long, Gaskill, Harvey, Harriman, Hathaway, Heacock, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Parks, Perkins, Powers, Quint, Rhodes, Soule, Shurtleff, Van Dyke, Warmcastle, Watt, and Williamson—29.

**NOES**—None.



The Counsel for Respondent offered to prove, by the witness, that Judge Hardy required proof of loyalty in subjects for naturalization.

Allowed by the Senate, by the following vote :

AYES—Messrs. Baker, Denver, Harriman, Holden, Irwin, Kutz, Lewis, Merritt, Parks, Porter, Quint, Soule, Shurtleff, Warmcastle, Watt, and Williamson—16.

NOES—Messrs. Burnell, Chamberlain, Crane, De Long, Gaskill, Harvey, Hathaway, Heacock, Kimball, Nixon, Oulton, Perkins, Rhodes, and Van Dyke—14.

J. B. Southard, Marion Gordon, Conrad Weller, and George R. Walker, were sworn.

Counsel for Prosecution offered to prove, by last witness, the general reputation of Respondent for disloyalty.

Objected to.

Proof disallowed by the Court, by the following vote :

AYE—Mr. Nixon.

NOES—Messrs. Baker, Banks, Chamberlain, De Long, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Heacock, Holden, Kutz, Lewis, Merritt, Oulton, Parks, Porter, Powers, Quint, Rhodes, Soule, Shurtleff, Van Dyke, Warmcastle, and Watt—25.

William Welsh was sworn.

Witness stated that at a certain time he had a conversation with Judge Hardy ; could not recollect the substance of the language used by him, but it produced an impression upon him.

Counsel for Respondent asked what that impression was.

Question objected to.

Disallowed by the Senate, by the following vote :

AYES—Messrs. Baker, Gallagher, and Nixon—3.

NOES—Messrs. Banks, Chamberlain, Crane, De Long, Gaskill, Harvey, Harriman, Hathaway, Heacock, Lewis, Oulton, Parks, Perkins, Porter, Powers, Rhodes, Soule, Shurtleff, Van Dyke, and Watt—20.

B. K. Thorne, William Wells, and G. W. Seaton, were sworn.

Court adjourned until eleven o'clock, A. M., Monday, May fifth.

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IN SENATE.

At half past four o'clock, P. M., on motion of Mr. De Long, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, May 5th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Mr. Rhodes offered the following resolution :

*Resolved.* By the Senate, the Assembly concurring. That the Enrolling Clerk of the Senate be instructed to insert in Senate bill No. 428 an enacting clause.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 3d, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 411, an Act to amend an Act entitled an Act to make certain offices in the county of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one ;

Also, Senate bill No. 454, an Act relating to the Thirteenth Judicial District, and to define the time for holding the Courts in said district ;

Also, Senate bill No. 294, an Act to authorize Eugene L. Sullivan, Nathaniel Holland, and John Benson, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco ;

Also, Senate bill No. 234, an Act to authorize the construction of a marine railway on the western shore of the bay of San Francisco ;

Also, Senate bill No. 446, an Act supplementary to an Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned, approved April twenty-second, in the year eighteen hundred and sixty-one ;

Also, Senate bill No. 392, an Act fixing the salaries of the Governor's Private Secretary, and of the Clerk in the Executive Department ;

Also, Senate bill No. 371, an Act concerning the locating and patenting of certain swamp and overflowed lands ;

Also, Senate bill No. 301, an Act to pay Paul D'Heirry for services as Surgeon to the State Prison, in the case of Patrick Brannan, in November, eighteen hundred and sixty-one ;

Also, Senate bill No. 114, an Act to fix the salary of County Judge of the County of Placer ;

Also, Senate bill No. 232, an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned.

LELAND STANFORD, Governor.

## MESSAGE FROM THE ASSEMBLY

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 1st, 1862. }

Mr. PRESIDENT :—The Assembly have passed Assembly bill No. 447, an Act to provide for the defence of the harbor of San Francisco ;

Also, passed Assembly bill No. 434, appropriating money to pay cost of removing the State Printing Office to and from San Francisco.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 447, above reported, read first and second times, and referred to Committee on Military Affairs, with instructions to report tomorrow morning, May sixth.

Assembly bill No. 434, above reported, read first and second times, and referred to Committee on Claims.

Mr. Burnell moved a suspension of the rules, and that Assembly bill No. 426, an Act to appropriate money for the maintenance and support of District and County Agricultural and Mechanical Societies, be taken from the file, and made the special order for Tuesday, May sixth, immediately after the reading of the Journal.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Holden, and Burnell, and taken, with the following result :

AYES—MESSRS. Baker, Banks, Burnell, Chamberlain, Denver, Gallagher, Harvey, Hathaway, Heacock, Holden, Irwin, Nixon, Oulton, Parks, Quint, Shurtleff, Van Dyke, and Warmeastle—18.

NOES—MESSRS. Crane, Gaskill, Harriman, Kutz, Lewis, Perkins, Powers, Rhodes, Shafter, Soule, and Watt—12.

It requiring a two-thirds vote to suspend the rules, the motion was lost.

Mr. Quint moved to suspend the rules, and take up Assembly concurrent resolution No. 32, memorializing Congress relative to the dangers of Chinese immigration.

Upon which, the ayes and noes were demanded, by Messrs. Perkins, Watt, and Quint.

Pending the consideration of the same, at forty-five minutes past ten o'clock, A. M., the Senate took a recess until eleven o'clock, A. M.

#### SENATE REASSEMBLED.

Roll called.

Quorum present.

The hour having arrived for the Senate to assemble as a Court of Impeachment, the President pro tem. assumed the Chair.

#### HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA, }	SENATE CHAMBER, }
vs. }	May 5th, 1862. }
JAMES H. HARDY. }	

J. F. Turner was sworn, and testified for the Defence.

A. W. Genung appeared and testified.

At twelve o'clock, M., the Court took a recess for one hour.

Court reassembled.

A. W. Genung was recalled.

The following gentlemen were sworn :

Messrs. Ellis Evans, Jacob Benjamin, Robert H. Paul, George Kless, Henry Troubt, Armstrong Askey, Peter Thompson, and B. T. Bradley.

Court adjourned until eleven o'clock, A. M. to-morrow.

#### IN SENATE.

At fifty minutes past four o'clock, P. M., on motion of Mr. De Long, the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Tuesday, May 6th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Porter, by unanimous leave, introduced a bill for an Act amendatory of and supplementary to an Act concerning salaries and fees of office in the County of Monterey, approved April nineteenth, eighteen hundred and sixty-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

#### REPORTS.

Mr. Van Dyke reported back Assembly bill No. 477, an Act to provide for the defence of the harbor of San Francisco.

Considered in Committee of the Whole, amended, and made special order for May seventh, after reading of Journal.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 211, an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty;

Also, Senate bill No. 108, an Act supplementary to an Act passed April twenty-eighth, eighteen hundred and sixty, entitled an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one;



Also, Senate bill No. 323, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty;

Also, Senate bill No. 377, an Act to provide for the collection of taxes on personal property in the City and County of San Francisco;

Also, Senate bill No. 461, an Act to repeal an Act approved April tenth, eighteen hundred and sixty-two, entitled an Act to regulate the fees of the County Surveyor of Napa County;

Also, Senate bill No. 428, an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty;

Also, Senate bill No. 449, an Act to provide for the filing of a list of the lands claimed by the State under the provisions of the various Acts of Congress making donations to this State;

And this day, May fifth, eighteen hundred and sixty-two, at one o'clock, P. M., delivered the same to the Governor, for his approval.

PORTER, Chairman.

Mr. Irwin presented an account of Sergeant-at-Arms.  
Referred to the Committee on Claims.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 5th, 1862.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 284, an Act amendatory of and supplementary to an Act entitled an Act concerning passengers arriving in the ports of this State, approved May third, eighteen hundred and fifty-two, and the several Acts amendatory thereof and supplementary thereto;

Also, Senate bill No. 224, an Act appropriating money for the erection of a building in the City of San Francisco for the use of the Home for the care of the Inebriate.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 5th, 1862.

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 370, an Act to prevent the adulteration of food and liquors;

Also, Senate bill No. 448, an Act to legalize the assessment and levy of city taxes, and to authorize the collection of the same in the City of Oakland;

Also, Senate bill No. 453, an Act to fix the terms of the Court of Sessions, County Court, and Probate Court, in the County of Contra Costa;

Also, Senate bill No. 444, an Act to provide for issuing arms and accoutrements to colleges and academies, for the use of youth, and to prescribe the tactics to be used by them;

Also, Senate bill No. 460, an Act supplementary to an Act entitled an Act to empower M. G. Vallejo to convey certain real estate, approved April sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 214, an Act entitled an Act to prevent non-residents of this State from selling goods without a license;

Also, Senate bill No. 295, an Act to amend an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty;

Also, Senate bill No. 84, an Act to amend an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act to prevent the trespassing of animals on private property, approved March thirty-first, A. D. eighteen hundred and fifty-five;

Also, Senate bill No. 394, an Act to grant the right to construct a turnpike road from the Town of La Porte, County of Sierra, through or near the Beckwith Pass, to the eastern boundary line of this State.

LELAND STANFORD, Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
May 5th, 1862. }

MR. PRESIDENT:—The Assembly have appointed Messrs. Eliason, Eagar, and Warwick, a new Committee of Free Conference, on the part of the House, on Senate amendments to Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations for the thirteenth fiscal year, and ask the appointment of a like committee on the part of the Senate;

Also, the Assembly this day indefinitely postponed Senate bill No. 54, amendatory of the Act for the location and sale of school lands;

Also, passed Assembly bill No. 465, an Act conferring farther powers upon the Board of Supervisors of San Francisco;

Also, this day concurred in Senate concurrent resolution No. 62, authorizing the insertion of enacting clause in Senate bill No. 428.

W. N. SLOCUM,  
Assistant Clerk.

#### GENERAL FILE.

Senate bill No. 298, an Act to amend an Act to regulate fees in office, passed April twenty-second, eighteen hundred and fifty—recommitted to Senator Perkins.

Senate bill No. 291, an Act to pay the costs in the prosecution of the State against Horace Smith.

Mr. Harriman moved to make the bill the special order for July fourth, eighteen hundred and sixty-two.

Pending the consideration of which motion, the hour having arrived for the Senate to assemble as a Court of Impeachment, the President pro tem. assumed the Chair.

#### HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA, }  
vs. }  
JAMES H. HARDY. }

SENATE CHAMBER,  
May 6th, 1862. }

James Hepburn, sworn.

William Irwin, sworn.—By this witness the Respondent proposes to

prove that when Mr. Higby, who was the defendant in the suit of McDermott against Higby, introduced Wallace as a witness, he offered to prove by him—his own witness—what he, the defendant, told him, the witness, at the time the water was diverted from plaintiff's ditch, as to the right to divert the same. To this evidence the Plaintiff objected, and the Court sustained the objection. An exception was then drawn out in writing, and signed by the Judge. And when Mr. Higby read the affidavit, which has been given in evidence, he stated as one of the reasons for believing the prejudice to exist, the ruling of the Court on this point.

The Counsel for Prosecution objected.

The President pro tem. sustained the objection, and a decision of the Senate being asked, the proof was disallowed, by the following vote :

AYES—Messrs. Baker, Chamberlain, Denver, De Long, Gallagher, Heacock, Holden, Irwin, Lewis, Quint, Shurtleff, Vineyard, Watt, and Williamson—14.

NOES—Messrs. Banks, Crane, Gaskill, Harvey, Harriman, Hathaway, Kimball, Kutz, Nixon, Oulton, Parks, Perkins, Powers, Rhodes, and Warmcastle—15.

At one o'clock, the Court took a recess for thirty minutes.

Court reassembled.

The following persons were sworn :

C. W. Lightner, Tod Robinson, Thomas H. Hanson, Joseph P. Hoge, E. D. Carder, and A. C. Adams.

At fifteen minutes past five o'clock, p. m., the Court adjourned until to-morrow, at eleven o'clock, A. M.

#### IN SENATE.

The Chair appointed Messrs. Gaskill, Powers, and Heacock, a Committee of Conference on the disagreeing vote of the two Houses on Senate amendments to Assembly bill No. 364, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year.

The Chair also appointed Messrs. Parks, Kutz, and Hathaway, a Committee of Free Conference on the disagreeing vote of the two Houses on Senate amendments to Assembly bill No. 365, an Act making appropriations for the deficiencies in the appropriations for the thirteenth fiscal year.

On motion of Mr. De Long, at five o'clock and fifteen minutes, p. m., the Senate adjourned.

J. McM. SHAFTER,  
President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, May 7th, 1862 }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Heacock, by unanimous consent, offered the following resolution :

*Resolved*, That C. C. Jenks, Clerk of the Committee on Public Buildings of the Senate, be allowed five weeks pay, at five dollars per day, payable out of the Contingent Fund of the Senate.

The undersigned, members of the Committee on Public Buildings, recommend the passage of the foregoing resolution.

HEACOCK,  
GASKILL,  
WILLIAMSON,  
DE LONG,  
HARRIMAN,  
PERKINS,  
BURNELL.

## SPECIAL ORDER.

Assembly bill No. 477, an Act to provide for the defence of the harbor of San Francisco, was taken up.

Amended, and read third time.

Mr. De Long then moved to reconsider the vote by which the bill was read a third time.

Carried.

The bill was then referred to the Committee on Military Affairs.

## REPORTS.

Mr. Oulton made the following report :

MR. PRESIDENT :—The Committee of Free Conference on the disagreeing vote of the two Houses on substitute for Senate bill No. 173, an Act to authorize the incorporation of canal companies and the construction of canals, recommend that the Senate concur in Assembly amendment, adding additional section, number five, to the bill ; also, recommend the adoption of the following amendments :

Amend section one, by inserting in last line, after the word " power," the words " or for the conveyance of water for mining or manufacturing purposes."

Amend section two, by striking out all after the word " company," in the fourth line, to the word " to," at the commencement of the sixth line.



Also, by inserting in the ninth line of said section, after the word "waters," the words "not previously appropriated."

OULTON,  
Chairman Senate Committee.  
SMITH of Sierra,  
Chairman House Committee.

Adopted.

Mr. Porter, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 444, an Act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them ;

Also, Senate bill No. 446, an Act supplementary to an Act to change the time for holding municipal elections in San Francisco ;

Also, Senate bill No. 460, an Act supplementary to an Act entitled an Act to empower M. G. Vallejo to convey certain real estate, approved April sixteenth, eighteen hundred and fifty-nine ;

Also, Senate bill No. 371, an Act concerning the locating and patenting of certain swamp and overflowed lands ;

Also, Senate bill No. 214, an Act entitled an Act to prevent non-residents of this State from selling goods without a license ;

Also, Senate concurrent resolution No. 49, relative to introduction of new business ;

Also, Senate bill No. 295, an Act to amend an Act to regulate fees in office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty ;

Also, Senate bill No. 394, an Act to grant the right to construct a turnpike road from the Town of La Porte, County of Sierra, through or near the Beckwith Pass, to the eastern boundary line of this State ;

Also, Senate bill No. 234, an Act to authorize the construction of a marine railway on the western shore of the bay of San Francisco ;

Also, Senate bill No. 311, an Act concerning the duties of County Treasurers ;

Also, Senate concurrent resolution No. 1, relative to Joint Convention ;

Also, Senate concurrent resolution No. 45, relative to the boundary line ;

Also, Senate bill No. 84, an Act to amend an Act supplementary to an Act to prevent the trespassing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five ;

Also, Senate bill No. 370, an Act to prevent the adulteration of food and liquors ;

And this day, April thirtieth, eighteen hundred and sixty-two, at two o'clock, p. m., delivered the same to His Excellency the Governor, for his approval.

PORTER, Chairman.

Mr. Lewis offered the following resolution :

*Resolved*, That the Judiciary Committee be and are hereby instructed to report, on to-morrow morning, concerning the witness fees and mileage of the witnesses in the Hardy Impeachment case.

Pending the consideration of the above resolution, the hour having

arrived for the Senate to assemble as a Court of Impeachment, the President pro tem. assumed the Chair.

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## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA, }	SENATE CHAMBER,
<i>vs.</i>	May 7th, 1862. }
JAMES H. HARDY. }	

Messrs. S. B. Axtell, C. G. Severance, and W. S. Coolidge, witnesses for the State, were discharged from further attendance.

Thomas H. Hanson recalled, and discharged from further attendance. J. T. Farley, J. W. Bicknell, and J. R. Robinson, were sworn.

The Respondent here rested his case, reserving the right to present further testimony in rebuttal of any evidence which may be offered on the part of the State.

At twelve o'clock, M., the Court adjourned until two o'clock, P. M.

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## IN SENATE.

### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
May 6th, 1862. }

MR. PRESIDENT:—The Assembly, this day, amended and passed Senate bill No. 376, an Act concerning the redemption of county and city bonds;

Also, this day passed Senate bill No. 466, an Act amendatory of an Act concerning salaries and fees of office in the County of Monterey;

Also, passed Senate bill No. 424, an Act granting certain lands to the United States;

Also, passed Assembly bill No. 484, an Act to amend an Act entitled an Act concerning levees in the County of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two;

Also, have appointed a Committee of Free Conference on Senate bill No. 173, Messrs. Smith of Sierra, Dean, and Hoag;

Also, on Assembly bill No. 364, a Committee of Free Conference. Messrs. Bigelow, Parker, and Collins.

W. N. SLOCUM,  
Assistant Clerk.

Senate concurred in Assembly amendments to Senate bill No. 376. above reported.

Assembly bill No. 484, above reported, read first and second times. rules suspended, amended, read third time, and passed.

## GENERAL FILE.

Senate bill No. 364, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—indefinitely postponed.

Assembly bill No. 464, an Act to amend an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty—amended, read third time, and passed.

Assembly bill No. 463, an Act to repeal an Act amendatory of an Act entitled an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty—indefinitely postponed.

Mr. Denver presented certain accounts of the Sergeant-at-Arms, which were referred to the Committee on Contingent Expenses.

On motion of Mr. Burnell, at half past twelve o'clock, p. m., the Senate took a recess until two o'clock, p. m.

## COURT OF IMPEACHMENT REASSEMBLED.

Counsel for Respondent asked leave to introduce further testimony tending to impeach the character of Allan P. Dudley, a witness for the State, for truth and veracity.

Leave was granted, by the following vote :

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, De Long, Harvey, Harriman, Hathaway, Heacock, Hill, Holden, Irwin, Nixon, Oulton, Shurtleff, Warmcastle, and Williamson—17.

NOES—Messrs. Gaskill, Kimball, Kutz, Lewis, Perkins, Porter, Powers, Quint, Soule, and Van Dyke—10.

Counsel for Respondent asked that an order be entered, limiting the number of witnesses to be called to testify in relation to the reputation of A. P. Dudley, one of the witnesses for the State in this case, to eight on each side.

The President pro tem. denied the motion.

A decision of the Senate being asked, the motion was disallowed, by the following vote :

AYES—Messrs. Gaskill, Harriman, Quint, Soule, and Watt—5.

NOES—Messrs. Banks, Burnell, Chamberlain, Crane, Gallagher, Harvey, Hathaway, Heacock, Hill, Holden, Kimball, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Shurtleff, Van Dyke, Warmcastle, and Williamson—21.

Messrs. A. H. Rose, D. Kincaid, E. D. Sawyer, W. H. Nelson, O. D. Avaline, Terrence Masterson, William F. Moses, John Burke, Robert Epronson, T. C. Boucher, James Allen, J. K. Doak, Daniel Latimer, D. L. Triplett, B. T. Bradley, Robert Irvine, B. F. Marshall, and B. K. Thorne, were sworn, and testified for Respondent.

Delos Lake, sworn on behalf of the State.

Counsel for Prosecution offered to prove by this and other witnesses, as rebutting testimony, the practice of Courts in empanelling juries, etc.

Objected to by Counsel for Defence.

Objection overruled by the Chair.

The Chair was sustained by the following vote :

AYES—Messrs. Baker, Banks, Chamberlain, Crane, De Long, Gallagher, Gaskill, Harvey, Hathaway, Heacock, Hill, Irwin, Kimball, Nixon, Porter, Powers, Soule, Shurtleff, and Van Dyke—19.

NOES—Messrs. Denver, Harriman, Kutz, Lewis, Oulton, Parks, Quint, Warmcastle, and Watt—9.

At five o'clock, P. M., the Court adjourned until to-morrow, at eleven o'clock, A. M.

#### IN SENATE.

Mr. Irwin presented an account of John S. Lee.

Referred to the Committee on Contingent Expenses.

On motion of Mr. De Long, at five minutes past five o'clock, P. M., the Senate adjourned.

J. F. CIELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, May 8th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Mr. Rhodes was granted one day leave of absence.

Roll called.

No quorum being present, Mr. Lewis moved to adjourn until eleven o'clock, A. M.

Upon which, the ayes and noes were demanded, by Messrs. Kutz, Chamberlain, and Oulton, and taken, with the following result :

AYES—Messrs. Burnell, Denver, De Long, Gaskill, Harriman, Heacock, Lewis, Quint, Warmcastle, and Williamson—10.

NOES—Messrs. Banks, Chamberlain, Kimball, Kutz, Nixon, Oulton, Parks, and Soule—8.

#### SENATE REASSEMBLED.

Roll called.

Quorum present.

Mr. Parks made the following report :

MR. PRESIDENT :—Your Committee of Free Conference, appointed on Assembly bill No. 365, entitled an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two, beg leave to report :

Your Committee recommend that the Senate recede from its amend-



ments, and amend Assembly bill by striking out all after the word "dollars," in the seventh line, to the word "for," in the twelfth line, being an appropriation "for Special Contingent Fund of the Governor's office, one thousand dollars;"

Also, "for salary of Governor, as member of the Board of Examiners, two hundred and fifty dollars;"

And strike out all after the word "dollars," in the twenty-first line, to the word "for," in the twenty-third line, it being an appropriation "for salary of Controller as member of the Board of War Examiners, three hundred dollars," and amend by adding the following: "For salary of the Register of the State Land Office, one hundred and eighty-eight dollars and eighty-nine cents; for salary of Adjutant-General, one hundred and eighty-three dollars and thirty-three cents."

W. H. PARKS,

Chairman of Senate Committee.

W. A. ELIASON,

Chairman of Assembly Committee.

Adopted.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA,	SENATE CHAMBER,	} May 8th, 1862. }
vs.		
JAMES H. HARDY.		

Judge Lake and T. W. Freelon, sworn.

Counsel for Prosecution offered to prove by these witnesses the duty of District Attorneys in empanelling a jury.

Counsel for Respondent objected, and the Senate allowed the proof, by the following vote :

AYES—Messrs. Banks, Chamberlain, Crane, De Long, Gaskill, Harvey, Hathaway, Heacock, Hill, Kimball, Nixon, Perkins, Porter, Powers, Soule, and Van Dyke—16.

NOES—Messrs. Baker, Burnell, Denver, Harriman, Holden, Kutz, Lewis, Merritt, Oulton, Parks, Quint, Shurtleff, Warmcastle, Watt, and Williamson—15.

Lafayette Byrne and Jesse Morrill were sworn.

The Managers proposed to show that Mr. Morrill was present when the toast, said by Finnegan to have been given by the Respondent, was given, and that such toast was, in fact, given by the Respondent, in the presence of the witnesses Botts, Aylett, Laspeyre, and others.

Counsel for the Defence objected.

The evidence was admitted, by the following vote of the Senate :

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, Gallagher, Gaskill, Harvey, Hathaway, Hill, Kimball, Kutz, Lewis, Nixon, Oulton, Perkins, Powers, Soule, Shurtleff, Van Dyke, and Warmcastle—20.

NOES—Messrs. Baker, De Long, Harriman, Holden, Merritt, Parks, Quint, and Watt—8.

Court took a recess until two o'clock, P. M.

## IN SENATE.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
May 7th, 1862. }

Mr. PRESIDENT :—The Assembly this day passed Assembly bill No. 178, an Act amendatory of section two of an Act in relation to common schools in this State, approved April twenty-sixth, eighteen hundred and fifty-eight;

Also, passed Assembly bill No. 402, an Act fixing the salaries of the County Clerk, Deputy Clerk, and Treasurer, of the County of Mendocino;

Also, passed Assembly bill No. 483, an Act to require the Secretary and Controller of State to turn over all vouchers and certificates representing unpaid claims for Indian War indebtedness, now on file in their respective offices, to the Board of Examiners of War Claims of this State;

Also, passed Assembly bill No. 486, an Act to levy a special tax for road purposes in San Mateo County;

Also, passed Assembly bill No. 487, amendatory of the Civil Practice Act.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
May 8th, 1862. }

Mr. PRESIDENT :—The Assembly this day adopted the report of the Committee of Free Conference on Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two;

Also, passed Assembly bill No. 485, an Act to amend an Act entitled an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars, approved April eighth, eighteen hundred and sixty-two;

Also, the Assembly this day adopted a resolution as follows:

*Resolved*, That the Senate be requested to order their Sergeant-at-Arms to furnish the members of the Assembly with copies of the reports of the testimony taken in the Impeachment Trial, in compliance with the Joint Rules of the Senate and Assembly relating to the distribution of matter ordered printed by either House;

Also, on the seventh instant, passed Assembly bill No. 25, an Act to amend an Act to regulate the settlement of the estates of deceased persons.

W. N. SLOCUM,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly bill No. 178, above reported, read first and second times, and referred to Committee on Education;

Assembly bill No. 487, above reported, read first and second times, and referred to the Judiciary Committee;

Assembly bill No. 25, above reported, read first and second times, and referred to the Judiciary Committee;

Assembly bill No. 486, above reported, read first and second times, and referred to the San Mateo delegation;

Assembly bill No. 402, above reported, read first and second times, and referred to Mendocino delegation;

Assembly bill No. 483, above reported, read first and second times, and referred to the Committee on Claims;

Assembly bill No. 485, above reported, read first and second times, rules suspended, read third time, and passed.

Mr. Watt moved that four times the usual number of copies of the testimony in the Hardy case, from the first day, be printed.

Carried.

#### COURT OF IMPEACHMENT REASSEMBLED.

Messrs. Harvey S. Brown, Leroy S. Fisher, W. A. Badgley, P. W. Cornwall, and W. A. Peak, were sworn and testified on behalf of the State in rebuttal of testimony introduced by Respondent, tending to impeach the character of A. P. Dudley, a witness for the State herein, for truth and veracity.

On the cross examination of the witness, W. A. Peak, Counsel for Defence asked the following question:

"In the stories that Mr. Dudley is in the habit of telling, which you designate as harmless, is he not in the habit of slandering his neighbors?"

Question objected to by Counsel for the State, and objection sustained by the President pro tem.

A decision of the Senate being asked, the roll was called, and the question disallowed, by the following vote:

AYES—Messrs. Burnell, De Long, Harriman, Heacock, Holden, Irwin, Nixon, Watt, and Williamson—9.

NOES—Messrs. Banks, Chamberlain, Crane, Gaskill, Hathaway, Hill, Kutz, Merritt, Oulton, Parks, Perkins, Porter, Powers, Soule, and Shurtleff—15.

E. B. White and Francis Snyder, recalled, and Joseph Smith, Charles Wood, J. W. Griswold, H. J. Tilden, Horace Ray, George Segar, John Hanson, James McGannon, James F. Hubbard, and J. B. Manchester, sworn, and testified on behalf of the State.

The Counsel for the State proposed to prove by the witness, J. B. Manchester, that on the occasion of a political meeting at Mokelumne Hill, the Respondent introduced the speakers, and applauded disloyal sentiments then uttered by them.

Question objected to by Counsel for Respondent.

Objection overruled by the President pro tem.

A decision of the Senate being asked, the roll was called, and the question allowed, by the following vote:

AYES—Messrs. Burnell, Chamberlain, Crane, Gaskill, Harvey, Harri-  
84SEN

man, Hill, Kimball, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Van Dyke, and Warmcastle—16.

Noes—Messrs. Denver, Gallagher, Hathaway, Holden, Lewis, Merritt, Parks, Soule, Shurtleff, Vineyard, Watt, and Williamson—12.

George Peck was sworn, and testified on behalf of the State.  
Court adjourned until eleven o'clock, A. M., to-morrow.

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IN SENATE.

On motion of Mr. Gallagher, at five o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,  
President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

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IN SENATE.

SENATE CHAMBER,  
Friday, May 9th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

RESOLUTIONS.

Mr. De Long offered the following resolutions :

*Resolved*, By the Senate, the Assembly concurring, That A. G. Turner, Sergeant-at-Arms, be and he is hereby required and instructed to transfer, to Sacramento City, and deliver in good order, within five days after the adjournment of this body *sine die*, all of the property of the State now in use by the Legislature, in and about this building ;

*Resolved*, That the sum of ——— dollars is hereby appropriated, payable out of the Contingent Fund of the Senate and Assembly, to be used for that purpose.

Referred to the Committee on Public Buildings, with instructions to report to-morrow morning, May tenth.

Mr. Lewis offered the following resolution :

*Resolved*, That the matter of witness fees and mileage for witnesses in the Hardy Impeachment case, is hereby referred to the Committee on Claims, with instructions to report as soon as possible.

Adopted.

Mr. Burnell offered the following resolution :



*Resolved*, That the Judiciary Committee are instructed to report the bill forthwith, to the Senate, providing for the pay of witnesses before the Committee on the Hardy Impeachment case.

Adopted.

Mr. Williamson offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, That the thanks of the State of California be tendered to Lieutenant-General Winfield Scott, who, after a service of over half a century in the Army of the United States, has been compelled to retire from active duty in the field, on account of physical disabilities, but whose vigorous mind is still of available aid to his country, and one of whose latest acts in active life was to visit this coast, and in his capacity of the head of the Army of the United States, bring to a successful termination the difficulties at San Juan Island, which especially endears him to the heart of every Californian.

*Resolved*, That the Governor of this State be instructed to transmit a copy of the foregoing resolution to Lieutenant-General Scott.

Adopted.

Mr. Gallagher offered the following resolution :

*Resolved*, By the Senate, the Assembly concurring, That the Legislature, for ourselves, and in behalf of the People of the State of California, tender to the gallant officers and soldiers of the Army, and to the gallant officers and sailors of the Navy of the United States, our warmest thanks for the brilliant victories recently won by their valor and skill, and for their patriotic services and sacrifices in the defence of the Union and the Constitution.

#### REPORTS.

Mr. Perkins made a verbal report, without recommendation, on Senate bill No. 298, an Act to amend an Act entitled an Act to regulate fees in office, passed April twenty-second, eighteen hundred and fifty ;

Also, made a verbal report, recommending the passage of Assembly bill No. 140, an Act to authorize P. C. Lander, and his associates and assigns, to build a wharf at Point Avisadero, in the City and County of San Francisco.

The rules were suspended, and Assembly bill No. 140, above reported, was read third time, and passed.

Mr. De Long made a verbal report, recommending the passage of Assembly bill No. 487, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Assembly bill No. 487, above reported, read third time, and passed.

Mr. Irwin, from the Committee on Contingent Expenses, made the following reports :

MR. PRESIDENT :—Your Committee on Contingent Expenses, to whom was referred Senate concurrent resolution No. 52, relative to claims of A. A. Tuttle, D. J. Williamson, and W. V. Garvey, for mileage as witnesses in the investigation concerning an alleged fraudulent interpolation in the Marsh Land Act of last session, have examined the same, and respectfully report the following resolution, and recommend its passage :

*Resolved*, By the Senate, the Assembly concurring, That the Controller

of State be and he is hereby authorized and required to draw his warrants on the State Treasurer in favor of William V. Garvey, for the sum of forty-six dollars and eighty cents; and in favor of A. A. Tuttle and D. J. Williamson, for the sum of twenty-five dollars each, said sums to be paid—one half out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly.

The Committee report back the claim of William Wilson, and recommend that it be rejected.

IRWIN, Chairman.

Adopted.

MR. PRESIDENT:—The Committee on Contingent Expenses have examined and found correct the following bills:

Claimants.	Amounts.
James Anthony & Co., (Sacramento Union).....	\$167 33
Daily Herald and Mirror.....	77 96
Daily Herald and Mirror.....	36 75
San José Mercury.....	6 00
Spirit of the Times and Fireman's Journal .....	20 50
Red Bluff Beacon.....	15 00
Shasta Courier.....	10 00
Sierra Democrat .....	6 00
Nevada Transcript.....	7 00
Douglas City Gazette .....	4 00
Tuolumne Courier.....	3 00
Union Democrat.....	15 00
Solano Herald.....	10 00
Colusa Sun.....	10 00
Stockton Daily Independent .....	31 50
Red Bluff Independent.....	2 50
Pacific Sentinel, (McElroy & Blakely,) .....	3 00
Alta California.....	81 92
Alta California.....	15 00
Evening Bulletin, to March 31st.....	177 31
Evening Bulletin, to April 14th .....	30 75
Butte Record.....	9 00
California Express.....	66 75
Placer Herald .....	3 00
Marysville Appeal.....	12 25
Marysville Appeal.....	6 13
Marysville Appeal.....	6 13
San Joaquin Republican.....	17 87
Plumas Standard.....	3 00
Mendocino Herald.....	3 00
Bradshaw & Co.....	2 00
John S. Lee.....	70 00
A. Berring.....	10 00
J. P. Goodwin.....	8 00
Rockwell, Coye & Co.....	5 25
Orr & Atkins.....	6 25
Gilfillan, (water bill,).....	12 00

Claimants.	Amounts.
A. G. Turner, Sergeant-at-Arms, for deficiency in postage account, as per resolution of April 21st.....	70 00
A. G. Turner, for arrests.....	92 00
L. B. Drew.....	14 00
Total.....	\$1,147 15

And recommend the adoption of the following resolution :

*Resolved*, That the Controller of State be and he is hereby authorized and required to draw his warrants on the State Treasurer, in favor of the above named parties, for the several amounts above allowed, payable out of the Contingent Fund of the Senate.

IRWIN, Chairman.

Adopted.

Mr. Hathaway made the following report :

Mr. PRESIDENT :—The San Mateo delegation, to whom was referred Assembly bill No. 486, ask leave to report the same back, and recommend its passage.

HATHAWAY.

Assembly bill No. 486, above reported, read third time, and passed.

Mr. Gallagher made a verbal report, recommending passage of Assembly bills Nos. 481 and 178.

#### GENERAL FILE.

Assembly bill No. 479, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—read third time and passed.

Assembly bill No. 304, an Act to amend section three of an Act amendatory of and supplementary to an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, so far as relates to El Dorado County—read third time, and passed, and title amended.

Mr. Parks, by leave, introduced a bill for an Act to provide for the removal of the furniture, books, and stationery, to the Capitol, at Sacramento.

Read first and second times, and referred to Committee on Public Buildings.

Mr. Perkins moved to take from unfinished business Assembly bill No. 145, an Act to amend the Civil Practice Act.

Upon which, the ayes and noes were demanded, by Messrs. Perkins, Soule, and Watt, and taken, with the following result :

AYES—Messrs. Banks, Chamberlain, Gaskill, Harvey, Harriman, Hathaway, Heacock, Hill, Kimball, Kutz, Nixon, Oulton, Perkins, Powers, Rhodes, Shafter, and Soule—17.

NOES—Messrs. Baker, Burnell, Denver, Gallagher, Holden, Irwin,

Lewis, Merritt, Parks, Quint, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Watt—15.

The Chair decided that the motion was lost, as it took a two-thirds vote.

Mr. Shafter appealed.

Pending the consideration of which, the hour arrived for the Senate to assemble as a Court of Impeachment, and the President pro tem. assumed the Chair.

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## HIGH COURT OF IMPEACHMENT.

SENATE CHAMBER.

May 9th, 1862. }

STATE OF CALIFORNIA, }  
*vs.* }  
 JAMES H. HARDY. }

The following gentlemen were sworn :

Messrs. Charles Lombard, Samuel P. Crane, Henry Atwood, W. H. Leavett, and Ulick McHale.

The following gentlemen were recalled :

Messrs. S. L. McGee, H. J. Tilden, William L. Dudley, William J. Gatewood, and S. W. Brockway.

At half past twelve o'clock, P. M., the Court took a recess for thirty minutes.

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## IN SENATE.

Mr. Quint offered the following resolution :

*Resolved*, That all witnesses summoned and claiming fees in the Impeachment case, now before the Senate, shall establish, by their own affidavit, or that of some reliable person, who shall state, upon his own knowledge, the number of days the witness claiming fees has been in attendance, and the number of miles actually travelled by said witness.

Adopted.

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## COURT OF IMPEACHMENT REASSEMBLED.

The following gentlemen were recalled, and testified on behalf of the State :

Messrs. Charles Wood, H. J. Tilden, George Sherman, Charles P. Dudley, W. C. Denny, S. L. McGee, S. W. Brockway, and Allan P. Dudley.

The following gentlemen were sworn, and testified on behalf of the State :

Messrs. C. B. Holbrook, Frank Moore, John Burns, Eli F. Maynard, and W. H. Daly.

At twenty-five minutes past two o'clock, P. M., the Court took a recess for ten minutes.

Court reassembled.

Thomas Campbell sworn.



The Managers offered to prove by this witness, at whose instigation the Impeachment was instituted in the Assembly, that neither of the Dudleys, or Brockway, or Higby, had any connection with it whatever. Objected to by Counsel for Respondent.

Objection sustained by the President pro tem.

The decision of the Senate being asked, the roll was called, and the objection sustained, by the following vote :

AYES—Messrs. Banks, De Long, Gaskill, Harvey, Hill, Nixon, Perkins, Porter, and Powers—9.

NOES—Messrs. Baker, Burnell, Chamberlain, Denver, Gallagher, Harriman, Hathaway, Heacock, Holden, Irwin, Kutz, Lewis, Merritt, Oulton, Parks, Quint, Rhodes, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—24.

The Managers asked that the case be postponed until to-morrow, at eleven o'clock, A. M., for the purpose of procuring a witness from Marin County.

Upon which, the roll was called, with the following result :

AYES—Messrs. Banks, Burnell, Chamberlain, Crane, De Long, Gaskill, Harvey, Hathaway, Heacock, Hill, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, Soule, and Shurtleff—19.

NOES—Messrs. Baker, Denver, Gallagher, Harriman, Holden, Irwin, Lewis, Merritt, Parks, Quint, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—15.

The Court adjourned at twenty minutes past three o'clock, P. M.

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#### IN SENATE.

Mr. Merritt moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Crane, Soule, and Williamson, and taken, with the following result :

AYES—Messrs. Baker, Burnell, Denver, De Long, Harriman, Holden, Lewis, Merritt, Powers, Quint, Shurtleff, Vineyard, Warmcastle, and Watt—14.

NOES—Messrs. Banks, Chamberlain, Crane, Gallagher, Gaskill, Harvey, Hathaway, Heacock, Irwin, Kutz, Nixon, Oulton, Parks, Perkins, Porter, Rhodes, Shafter, Soule, Van Dyke, and Williamson—20.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 8th, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 347, an Act to pay certain warrants of the City of Sacramento, therein mentioned ;

Also, Senate bill No. 456, an Act to authorize Rita de la Osa to sell certain real estate.

LELAND STANFORD, Governor.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
May 9th, 1862. }

Mr. PRESIDENT:—The Assembly this day adopted Assembly concurrent resolution No. 38, providing for a Joint Convention for electing Trustees of the State Reform School.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
May 9th, 1862. }

Mr. PRESIDENT:—The Assembly this day passed Assembly bill No. 488, an Act providing for free bridges across J and K streets, in the City of Sacramento.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
May 9th, 1862. }

Mr. PRESIDENT:—The Assembly this day adopted the report of the Committee of Free Conference on Senate bill No. 173, an Act to authorize the incorporation of canal companies, etc.;

Also, this day concurred in Senate amendments to Assembly bill No. 304, an Act to amend section three of the Common School Law, etc.;

Also, concurred in Senate amendments to Assembly bill No. 484, an Act to amend an Act concerning the construction and repair of levees in Sacramento.

W. N. SLOCUM,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly concurrent resolution No. 38, above reported, was concurred in by the Senate.

Assembly bill No. 488, above reported, read first and second times, rules suspended, read third time, and passed.

By unanimous consent, the Enrolling Clerk was authorized to strike out the "County of Calaveras" from the operation of Senate bill No. 173, relative to the incorporation of canal companies.

Mr. Quint offered the following resolution:

*Resolved*, The Senate and Assembly concurring. That after Saturday, the tenth instant, no further legislative business shall be introduced or transacted in either House, without unanimous consent.

Pending the consideration of the above resolution, Mr. Burnell moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Quint, Watt, and Chamberlain, and taken, with the following result:

AYES—Messrs. Baker, Burnell, Crane, Denver, De Long, Harvey,

Hathaway, Holden, Irwin, Lewis, Merritt, Perkins, Powers, Rhodes, Soule, Shurtleff, Vineyard, and Williamson—18.

NOES—Messrs. Banks, Chamberlain, Gallagher, Gaskill, Harriman, Heacock, Kimball, Kutz, Nixon, Oulton, Porter, Quint, Shafter, Van Dyke, Warmcastle, and Watt—16.

So, at four o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate

# IN SENATE.

SENATE CHAMBER,  
Saturday, May 10th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

The Clerk of the Assembly announced that the Assembly were ready to meet the Senate in Joint Convention, pursuant to Assembly concurrent resolution No. 38, for the purpose of electing three Trustees of State Normal School.

On motion of Mr. De Long, the Senators proceeded to the Assembly Chamber.

## IN JOINT CONVENTION.

Hon. J. McM. Shafter, President pro tem. of the Senate, and Hon. George Barstow, Speaker of the Assembly, presiding.

Senate roll called.

Absent—Messrs. Bogart, Burnell, Denver, Doll, Harriman, Heacock, Holden, Merritt, Pacheco, Thomas, Vineyard, Warmcastle, and Watt.

House roll called.

Absent—Messrs. Barton of Sacramento, Barton of San Bernardino, Bell, Cot, Dana, Eagar, Ferguson, Hillyer, Kendall, Lane, Machin, May, McCullough, Morrison, Orr, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Van Zandt, Waddell, Watson, and Woodman.

On motion of Mr. Campbell, the Joint Convention proceeded first to elect two Trustees from Yuba County.

Mr. Sargent of Yuba nominated Messrs. William Hawley, C. M. Gorham, and W. C. Belcher, of Yuba County.

Mr. Battles nominated Jacob Deeth of San Francisco.

Mr. Powers nominated Samuel C. Gray.

Mr. Gaskill nominated J. A. Watson of Butte County.

Mr. Williamson nominated John Lowery of Marysville.

Mr. Merritt nominated Nelson Wescoatt of Yuba.

The rolls of the Senate and Assembly were called, with the following result:

Names.	Hawley.	Gorham.
Baker.....	1	1
Banks.....	1	1
Chamberlain.....	1	1
Crane.....	1	1
De Long.....	1	1
Gallagher.....	1	1
Gaskill.....	1	1
Harvey.....	1	1
Hathaway.....	1	1
Hill.....	1	1
Irwin.....	1	1
Kimball.....	1	1
Nixon.....	1	1
Oulton.....	1	1
Parks.....	1	1
Porter.....	1	1
Powers.....	1	1
Quint.....		1
Rhodes.....	1	1
Shafter.....	1	1
Soule.....	1	1
Shurtleff.....	1	1
Van Dyke.....	1	1
Amerige.....	1	1
Ames.....	1	1
Avery.....	1	1
Battles.....	1	1
Benton.....	1	1
Bigelow.....	1	1
Campbell.....	1	1
Collins.....	1	1
Cunnard.....	1	1
Dean.....	1	1
Dennis.....		1
Dore.....	1	1
Dudley of Placer....	1	1
Dudley of Solano....	1	1
Eliason.....	1	1
Evey.....	1	1
Fay.....	1	1
Frazier.....	1	1
Gordon.....	1	1
Griswold.....	1	1
Hoag.....	1	1
Irwin.....	1	1
Jackson.....	1	1
Kendall.....	1	1
Leach.....	1	1
Loewy.....	1	1
Love.....	1	1
Matthews.....		1



Names.	Hawley.	Gorham.
Meyers .....	1	1
Moore .....	1	1
O'Brien .....	1	1
Parker .....	1	1
Porter .....	1	1
Printy .....	1	1
Reed .....	1	1
Reese .....	1	1
Reeve .....	1	1
Sargent .....	1	1
Saul .....	1	1
Sears .....	1	1
Seaton .....	1	1
Shannon .....	1	1
Teegarden .....	1	1
Tilton of San Francisco .....	1	1
Tilton of San Mateo .....	1	1
Waddell .....	1	1
Warwick .....	1	1
Werk .....	1	1
Worthington .....	1	1
Wright .....	1	1
Yule .....	1	1
Zuck .....	1	1
Mr. Speaker .....	1	1
Totals .....	73	76

Those who voted for Mr. Lowery were—

Messrs. Merritt, Quint, Vineyard, Williamson, Dennis, and Wilcoxon.

Those who voted for Mr. Belcher were—

Messrs. Vineyard, Matthews, and Wilcoxon.

Those who voted for Mr. Wescoatt were—

Messrs. Merritt and Williamson.

Whole number of votes.....80

Necessary to a choice.....41

Mr. Gorham received seventy-six votes.

Mr. Hawley received seventy-three votes.

Mr. Wescoatt received two votes.

Mr. Belcher received three votes.

Mr. Lowery received six votes.

Messrs. Gorham and Hawley, having received a majority of all the votes cast, were declared duly elected as two of the Trustees of the State Normal School.

The rolls of the Senate and Assembly were called, for the election of the third Trustee, with the following result :

Names.	Deeth.	Belcher.	Watson.
Baker .....		1	
Banks .....	1		
Chamberlain.....	1		
Crane .....	1		
De Long.....		1	
Gallagher.....	1		
Gaskill .....			1
Harvey .....	1		
Hathaway .....	1		
Hill .....	1		
Irwin .....			1
Kimball.....			1
Nixon.....		1	
Oulton.....		1	
Parks.....		1	
Perkins.....	1		
Quint.....			1
Rhodes .....	1		
Shafter.....	1		
Soule .....	1		
Shurtleff.....			1
Van Dyke .....	1		
Vineyard.....		1	
Williamson.....			1
Amerige.....	1		
Ames .....	1		
Avery .....	1		
Battles .....	1		
Bell.....	1		
Benton .....		1	
Bigelow .....	1		
Brown.....	1		
Campbell .....	1		
Collins.....		1	
Cunnard.....			1
Dean.....	1		
Dennis .....	1		
Dore .....	1		
Dow.....	1		
Dudley of Placer .....		1	
Eliason.....	1		
Evey .....	1		
Fay.....	1		
Ferguson.....	1		
Frazier.....	1		
Gordon.....	1		
Griswold.....	1		
Hoag .....	1		
Hoffman .....	1		
Irwin.....		1	
Jackson .....		1	

Names.	Deeth.	Belcher.	Watson.
Kendall .....			1
Leach .....		1	
Loewy.....	1		
Love .....			1
Machin.....	1		
Matthews .....		1	
Meyers.....	1		
Moore.....	1		
O'Brien .....	1		
Parker .....	1		
Pemberton.....		1	
Porter.....	1		
Printy.....			1
Reed .....		1	
Reese.....	1		
Reeve .....	1		
Sargent .....		1	
Saul.....	1		
Sears .....		1	
Seaton.....	1		
Shannon .....			1
Teegarden.....		1	
Tilton of San Francisco.....	1		
Tilton of San Mateo .....	1		
Van Zandt .....	1		
Waddell .....	1		
Warwick .....		1	
Werk.....		1	
Wilcoxon.....		1	
Worthington.....	1		
Wright.....		1	
Yule.....		1	
Zuck .....	1		
Mr. Speaker.....	1		
Totals.....	51	23	11

Messrs. Powers, and Dudley of Solano, voted for Mr. Gray.

Whole number of votes.....	87
Necessary to a choice.....	44

Mr. Deeth received fifty-one votes.

Mr. Belcher received twenty-three votes.

Mr. Watson received eleven votes.

Mr. Gray received two votes.

Mr. Deeth having received a majority of all the votes cast, was declared duly elected a Trustee of the State Normal School.

The object of the Convention having been accomplished, the President *pro tem.* declared the Convention dissolved.

The Senators then proceeded to the Senate Chamber.

#### IN SENATE.

Roll called.

Quorum present.

Journal of yesterday read and approved.

#### REPORTS.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 157, an Act to provide for binding minors as apprentices, clerks, and servants, by the San Francisco Protection and Relief Society ;

Also, Senate bill No. 217, an Act to appoint Commissioners to adjust the affairs of the Counties of San Joaquin and Stanislaus ;

Also, Senate bill No. 465, an Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco ;

Also, Senate bill No. 466, an Act amendatory of and supplementary to an Act entitled an Act concerning salaries and fees of office in the County of Monterey, approved April nineteenth, eighteen hundred and sixty-two ;

Also, Senate bill No. 455, an Act to legalize and confirm a certain instrument recorded in the County Recorder's office of the City and County of San Francisco, to authorize Obed Ally Palmer, as Attorney, to convey certain lands ;

Also, Senate bill No. 321, an Act to authorize William Sherman, Administrator of the estate of George S. Steere, deceased, and Guardian of the minor heirs of said Steere, to sell the real estate of said Steere at public or private sale ;

Also, Senate bill No. 359, an Act to amend an Act authorizing the Treasurer of State to issue bonds for payment of expenses incurred in the suppression of Indian hostilities in this State.

And this day, May eighth, at one o'clock, P. M., delivered the same to the Governor, for his approval.

PORTER, Chairman.

Mr. Crane made the following report :

MR. PRESIDENT :—We, the Committee of Free Conference, appointed on the disagreeing vote of the two Houses to Senate amendments to Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties, beg leave to report—that the Assembly concur in the said amendments.

CRANE,

Chairman Senate Committee.

SEARS,

Chairman Assembly Committee.

Report adopted.



## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA, } <i>vs.</i> JAMES H. HARDY. }	SENATE CHAMBER, May 10th, 1862. }
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President pro tem. presiding.

Mr. Irwin moved that Senator Bogart take the prescribed oath, to try the Articles of Impeachment against James H. Hardy.

The Chair decided, that as Mr. Bogart was not present when the trial commenced, he could not be sworn to try the case at the present time.

An appeal was taken to the Senate, and the decision of the Chair was overruled, by the following vote :

AYES—MESSRS. Baker, Banks, Burnell, Denver, Gallagher, Harvey, Holden, Irwin, Kimball, Lewis, Merritt, Parks, Quint, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—18.

NOES—MESSRS. Chamberlain, Crane, Gaskill, Harriman, Hathaway, Hill, Kutz, Porter, Powers, and Soule—10.

Mr. Bogart was then sworn.

The Counsel for Defence asked that they have the closing argument.

Upon which, the roll of the Senate was called, with the following result :

AYES—MESSRS. Baker, Bogart, Denver, Holden, Merritt, Soule, Vineyard, and Williamson—8.

NOES—MESSRS. Banks, Burnell, Chamberlain, Crane, Gaskill, Harvey, Harriman, Hathaway, Hill, Irwin, Kimball, Kutz, Lewis, Nixon, Oulton, Perkins, Porter, Quint, Rhodes, Shurtleff, Van Dyke, Warmcastle, and Watt—23.

Mr. Merritt moved that the following order be made :

That the hearing of testimony in this cause be and is hereby closed, and that on Monday the argument of the case shall proceed in the following order, viz : The Prosecution may open the argument and consume not over four hours time ; the Counsel for the Defence may then reply for six hours, and the Prosecution may reply not to exceed two hours ; after which, the Court shall proceed to pronounce judgment, without debate.

Upon the adoption of the above order, the roll was called, with the following result :

AYES—MESSRS. Baker, Bogart, Burnell, Denver, Gallagher, Harvey, Harriman, Hathaway, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Parks, Perkins, Quint, Rhodes, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, Watt, and Williamson—25.

NOES—MESSRS. Banks, Chamberlain, Gaskill, Heacock, and Nixon—5.

On motion of Mr. Merritt, the Committee on Printing were ordered to have the testimony in this case printed on Monday next.

Court adjourned until Monday next, at ten o'clock, A. M.

## IN SENATE.

Mr. Van Dyke offered a concurrent resolution relative to adjourning *sine die*.

Mr. Crane moved to lay on the table.

Upon which, the ayes and noes were demanded, by Messrs. Watt, Quint, and Crane, and taken, with the following result :

AYES—Messrs. Baker, Banks, Crane, Harvey, Hathaway, Heacock, Hill, Porter, Rhodes, and Williamson—10.

NOES—Messrs. Bogart, Burnell, Chamberlain, Denver, Gallagher, Gaskill, Harriman, Holden, Irwin, Kimball, Kutz, Lewis, Merritt, Nixon, Oulton, Perkins, Quint, Soule, Shurtleff, Van Dyke, Warmcastle, and Watt—22.

The resolution was amended by striking out "Wednesday, May fourteenth," and inserting "Thursday, May fifteenth."

Adopted.

Mr. Banks, by leave, introduced a bill for an Act concerning the office of the County Clerk of the City and County of San Francisco.

Read first and second times, rules suspended, considered engrossed, and read third time.

Mr. Burnell moved to indefinitely postpone.

Upon which, the ayes and noes were demanded, by Messrs. Banks, Oulton, and Chamberlain, and taken, with the following result :

AYES—Messrs. Burnell, Chamberlain, Gallagher, Gaskill, Harriman, Kutz, Lewis, Oulton, Porter, Shafter, Soule, Shurtleff, and Van Dyke—13.

NOES—Messrs. Baker, Banks, Bogart, Crane, Denver, Harvey, Hathaway, Holden, Kimball, Merritt, Nixon, Parks, Quint, Vineyard, Warmcastle, Watt, and Williamson—17.

The bill was amended by unanimous consent, by striking out "ten," and inserting "six," and passed.

Mr. Watt, by consent, introduced a bill for an Act to grant to certain parties the right of way to construct a bridge across Bear River, etc., and to repeal a certain Act therein named.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Burnell offered the following resolution :

*Resolved*, That the Committee on Claims be instructed to report the bill on mileage and per diem of the witnesses in the Impeachment of Judge Hardy, on Monday morning next, and fix their per diem at five dollars, and mileage at twenty cents per mile.

Adopted.

Mr. Baker moved to take up Senate bill No. 450.

Upon which, the ayes and noes were demanded, by Messrs. Gaskill, Hathaway, and Quint, and taken, with the following result :

AYES—Messrs. Baker, Bogart, Denver, Gallagher, Gaskill, Harriman, Hathaway, Holden, Nixon, Parks, Porter, Powers, Quint, Soule, Shurtleff, Van Dyke, Vineyard, Watt, and Williamson—19.

NOES—Messrs. Banks, Chamberlain, Harvey, Irwin, Kimball, Kutz, Merritt, Oulton, Rhodes, Shafter, and Warmcastle—11.

Mr. Harvey made the following report :

MR. PRESIDENT :—Your Committee, to whom was referred a resolution relative to writing up the Appendix to Senate Journal, have had the same under consideration, and beg leave to report, that it is the opinion of your Committee that the law directs it shall be the duty of the Copying Clerks, and submit the accompanying resolution, recommending its adoption.

HARVEY,  
KIMBALL,  
PARKS.

*Resolved*, That the Copying Clerks of the Senate, George C. Harriman and Charles D. Bonestel, write up and complete the Appendix to the Senate Journal, which may be unfinished at the close of the present session, at the compensation of fifteen cents per folio, commencing at the page completed on the day of adjournment ; and that neither the proceedings had, nor the testimony taken, in the Impachment case now pending in the Senate, against James H. Hardy, shall be copied into the Appendix to the Journal. When completed, the Copying Clerks shall deliver the same to the Secretary of State, who shall certify to the Controller the amount due, for labor performed, on which certificate the Controller is directed to draw his warrant for such amount, payable from the Contingent Fund of the Senate.

Adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 10th, 1862. }

MR. PRESIDENT :—The House, on the ninth instant, passed Assembly bill No. 490, an Act providing for the payment for certain school property in Sacramento ;

Also, this day passed Senate bill No. 464, an Act to authorize the Board of Supervisors of Yuba County to issue bonds to the California Central Railroad Company, to the amount of one hundred thousand dollars ;

Also, this day passed Assembly bill No. 294, an Act to appropriate money to pay the claim of R. C. Chambers, John D. Goodwin, and F. F. Fargo ;

Also, concurred in Senate concurrent resolution No. 67, relative to adjournment on the fifteenth.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 490, above reported, read first and second times, and referred to Sacramento delegation.

Assembly bill No. 494, above reported, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Gaskill, from the Committee on Public Buildings, made the following report:

Mr. PRESIDENT:—Your Committee on Public Buildings, to whom was referred Senate concurrent resolution No. 66, have had the same under consideration, and report it back, with the recommendation that it be indefinitely postponed;

Also, Senate bill No. 467, and report the same back, with the following amendment, and recommend its passage with the amendment. Strike out the last two words of section two, and add: "The adjournment *sine die* of the present Legislature."

HEACOCK,  
HARRIMAN,  
GASKILL,  
PERKINS,  
BURNELL,  
WILLIAMSON.

Senate concurrent resolution No. 66, above reported, indefinitely postponed.

Senate bill No. 467, above reported, recommitted to same committee.

Mr. Denver, by leave, introduced a bill for an Act making an appropriation for a Contingent Fund of the Senate.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Parks, from the Committee on Claims, made the following report:

Mr. PRESIDENT:—The Committee on Claims, to whom was referred Assembly bill No. 283, an Act to appropriate money to pay the claim of Philip Caduc, for coal furnished the Supreme Court and State Library in the year eighteen hundred and sixty, report the same back, and recommend its passage;

Also, Assembly bill No. 434, an Act appropriating money to pay the cost of removing the State Printing Office to and from San Francisco, report the same back, and recommend its passage;

Also, Assembly bill No. 483, an Act to require the Secretary and Controller of State to turn over all vouchers and certificates representing unpaid claims for Indian War indebtedness now on file in their respective offices, to the Board of Examiners of War Claims of this State, report the same back, and recommend its passage.

PARKS, Chairman.

Assembly bill No. 434, above reported, read third time and passed.

Assembly bill No. 483, above reported, read third time and passed.

Mr. Irwin gave notice of reconsideration of the vote by which Assembly bill No. 434 passed.

Assembly bill No. 283, above reported, read third time, and passed.

On motion of Mr. Irwin, at forty-five minutes past two o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Monday, May 12th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

## REPORTS.

Mr. Perkins, from the Committee on Finance, made the following report :

MR. PRESIDENT :—The Committee on Finance, to whom was referred Assembly bill No. 482, an Act to amend an Act to provide revenue for the support of the Government, etc., have had the same under consideration, and report the same back, without recommendation ;

Also, have had under consideration Assembly bill No. 449, and report the same back, without recommendation ;

Also, have had under consideration Assembly bill No. 411, and report the same back, and recommend its passage.

PERKINS, Chairman.

Mr. Gaskill made the following report :

MR. PRESIDENT :—Your Committee of Free Conference, appointed on the part of the Senate to confer with a like committee on the part of the House, to consider the disagreement of the two Houses upon Assembly bill No. 364, having had the same under consideration, have agreed upon the accompanying amendments, and report the same back, and recommend the passage of the bill, with the amendments.

Amendments proposed by the Committee :

Strike out subdivision four of section one.

Add to subdivision five of section one the following : "*Provided*, further, that the Governor shall account for the disbursement of the same to the Senate, at the next session of the Legislature."

Amend subdivision seven of section one, by striking out "one thousand eight," and inserting "twenty-four."

Strike out subdivision twelve of section one.

Strike out subdivision thirteen of section one.

Strike out subdivision twenty of section one.

Strike out subdivision twenty-three of section one.

Strike out subdivisions twenty-seven, twenty-eight, thirty-one, thirty-three, forty-three, forty-five, and forty-seven.

Amend subdivision fifty of section one, to read as follows : "for purchase of safe for the preservation of books and papers in the State Land Office, four hundred dollars."

Strike out subdivision fifty-three of section one.

Strike out subdivision fifty-seven of section one.

Strike out subdivision sixty-four of section one.

Amend subdivision sixty-nine, by striking out "twenty," and inserting "seventeen."

Amend subdivision seventy-nine of section one, by striking out "two," and inserting "three."

Strike out subdivision eighty-two of section one, and insert "for procuring bullet moulds for Minié muskets, to be expended by the Adjutant-General, two hundred and ten dollars."

Amend subdivision eighty-four of section one, by inserting after the word "cleaning," the word "transporting."

Strike out subdivision eighty-five of section one.

Strike out subdivision eighty-six of section one.

Strike out subdivision ninety-three of section one.

Strike out subdivision ninety-four of section one.

Amend subdivision ninety-seven of section one, by striking out all after the word "dollars."

Add, after subdivision ninety-seven of section one, "subdivision ninety-eight," to read as follows: "for postage, expressage, and telegraphing for Governor's office, two hundred dollars."

Also, subdivision ninety-nine, to read as follows: "for pay of one Porter, to attend the offices of Secretary of State, Controller, and Treasurer, five hundred dollars."

Amend section two, line three, by striking out the words "resident at the State Capital."

Your Committee further recommend that the Senate recede from its amendment to section five.

GASKILL, for Senate Committee.

PARKER, for House Committee.

Mr. Parks asked indefinite leave of absence for Mr. De Long.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Hathaway, and Porter, and the Senate refused such leave of absence, by the following vote:

AYES—Messrs. Baker, Bogart, Harvey, Merritt, Parks, Vineyard, and Watt—7.

NOES—Messrs. Chamberlain, Crane, Denver, Gallagher, Gaskill, Hathaway, Heacock, Hill, Irwin, Kimball, Kutz, Lewis, Nixon, Oulton, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, Warmcastle, and Williamson—25.

Mr. Rhodes, by leave, introduced a bill for an Act relating to the levying of taxes.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Irwin moved to reconsider the vote by which the Senate, on Saturday, passed Assembly bill No. 434.

Mr. Perkins moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded, by Messrs. Irwin, Lewis, and Quint, and taken, with the following result:

AYES—Messrs. Chamberlain, Gallagher, Gaskill, Harvey, Hathaway, Kimball, Kutz, Nixon, Oulton, Parks, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Van Dyke—17.

NOES—Messrs. Baker, Bogart, Crane, Denver, Holden, Irwin, Lewis, Quint, Shurtleff, and Watt—10.

Mr. Chamberlain moved a call of the Senate.

Carried.

Absent—Messrs. De Long and Banks.

Further proceedings under the call were dispensed with.

On motion of Mr. Chamberlain, the Sergeant-at-Arms was directed to telegraph to Senator De Long the refusal of the Senate to grant him leave of absence.

Mr. Denver, by leave, introduced a bill for an Act to authorize the payment of the rent of the building known as the Merchants' Exchange, in San Francisco, now occupied by the Legislature.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Heacock made the following report :

MR. PRESIDENT :—The Sacramento delegation, to whom was referred Assembly bill No. 490, have had the same under consideration, report the same back, and recommend its passage.

HEACOCK,  
NIXON.

Assembly bill No. 490, above reported, read third time, and passed.

The hour having arrived for the Senate to assemble as a Court of Impeachment, the President pro tem. assumed the Chair.

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## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA, }	SENATE CHAMBER,	}
<i>vs.</i>	May 12th, 1862.	
JAMES H. HARDY. }		

Mr. Campbell summed up for the Prosecution.

Court took a recess of thirty minutes.

Mr. Williams commenced summing up for the Respondent.

Pending which, the Court adjourned until to-morrow, at eleven o'clock,

A. M.

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## IN SENATE.

On motion of Mr. Irwin, at five o'clock, p. m. the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest: THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, May 13th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Van Dyke made a verbal report of Assembly bill No. 477, an Act to provide for the defence of the harbor of San Francisco, with amendments, recommending its passage as amended.

Mr. Banks made a verbal report, reporting back Assembly bill No. 456, and recommending its indefinite postponement.

Mr. Denver, by leave, introduced a bill for an Act amendatory of and supplemental to an Act to provide revenue for the support of the Government of this State, from a tax to be levied and collected on foreign and inland bills, etc.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 450, an Act to grant the right of way for a railroad within the City and County of San Francisco—read third time, and passed.

Assembly bill No. 392, an Act to amend sections thirty-two and thirty-eight of an Act to provide revenue for the support of the Government of this State, approved May first, eighteen hundred and sixty-one—read third time and passed.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 12th, 1862. }

MR. PRESIDENT :—The Assembly this day adopted Senate concurrent resolution No. 63, tendering the thanks of the State to officers and men of the Army and Navy ;

Also, passed Senate bill No. 470, an Act relating to the levying of taxes ;

Also, passed Senate bill No. 468, an Act concerning the office of County Clerk of the City and County of San Francisco ;

Also, passed Assembly bill No. 493, an Act fixing the fund out of which the salary of the Watchman and Porter of the Court House of the County of Sacramento shall be paid.

W. N. SLOCUM,  
Assistant Clerk.

Assembly bill No. 493, above reported, read third time, and passed.

Mr. Powers moved to take up Assembly substitute for Senate bill No. 43.

Upon which, the ayes and noes were demanded, by Messrs. Denver, Perkins, and Watt, and taken, with the following result :

AYES—Messrs. Banks, Chamberlain, Crane, Gaskill, Hathaway, Hea-



cock, Kimball, Kutz, Nixon, Oulton, Parks, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Van Dyke—18.

NOES—Messrs. Baker, Bogart, Burnell, Denver, Harvey, Harriman, Holden, Irwin, Lewis, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—14.

Mr. Irwin moved a call of the Senate.

Upon which, the ayes and noes were demanded, by Messrs. Vineyard, Irwin, and Burnell, and taken, with the following result:

AYES—Messrs. Baker, Bogart, Burnell, Denver, Harvey, Hathaway, Hill, Holden, Irwin, Lewis, Nixon, Shurtleff, Vineyard, Warmcastle, Watt, and Williamson—16.

NOES—Messrs. Banks, Chamberlain, Crane, Gaskill, Harriman, Heacock, Kimball, Kutz, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, Soule, and Van Dyke—16.

Mr. Parks, from the Committee on Claims, made the following report:

MR. PRESIDENT:—The Committee on Claims, to whom was referred the claims of witnesses and others for per diem, mileage, and services, in the Hardy Impeachment case, report the accompanying bill:

An Act to appropriate money to pay expenses incurred in the case of Impeachment of James H. Hardy before the Senate of the State of California, and recommend its passage;

Also, Assembly bill No. 462, an Act to appropriate money to pay the witnesses summoned to testify in the Hardy Impeachment case, and recommend its passage;

Also, Senate bill No. —, bill of A. G. Turner, Sergeant-at-Arms of the Senate, against the State, and recommend its indefinite postponement.

PARKS, Chairman.

Bill above reported, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 462, above reported, read third time, and passed.

Mr. Gaskill, by leave, introduced a bill for an Act to amend an Act in relation to the Board of Supervisors in and for Butte County, and concerning their powers, passed April tenth, eighteen hundred and sixty-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Perkins made a verbal report, recommending passage of Assembly bill No. 467, with an amendment.

Bill amended, read third time, and passed.

Mr. Shurtleff presented an account of J. Anthony & Co.

Referred to Committee on Contingent Expenses.

Mr. Porter, from the Committee on Enrolment, made the following report:

MR. PRESIDENT:—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 173, an Act to authorize the incorporation of canal companies and the construction of canals;

Also, Senate bill No. 376, an Act concerning the redemption of city and county bonds;

Also, Senate bill No. 343, proposed amendments to the Constitution of the State of California;

Also, Senate bill No. 183, an Act to authorize the Treasurer to issue War Bonds to A. W. Bee;

Also, Senate bill No. 432, an Act supplemental to an Act concerning the office of Surveyor-General;

Also, Senate bill No. 462, an Act to authorize the Administrator of the estate of L. R. Beckley to convey real estate;

Also, Senate bill No. 253, an Act amendatory and supplemental to an Act concerning the Fire Department of the City and County of San Francisco;

Also, Senate bill No. 307, an Act authorizing the Administrator of the estate of Gilbert A. Grant, deceased, to sell and convey real estate;

Also, Senate bill No. 442, an Act concerning roads and highways in the County of Sacramento;

Also, Senate bill No. 308, an Act to create a Contingent Fund for Contra Costa County;

Also, Senate bill No. 267, an Act to amend an Act to incorporate railroad companies;

Also, Senate bill No. 426, an Act to fix the time of holding the terms of Courts in the Seventh Judicial District, in Solano County;

Also, Senate bill No. 424, an Act granting certain lands to the United States;

Also, Senate bill No. 365, an Act to amend an Act concerning Coroners, passed April nineteenth, eighteen hundred and fifty;

Also, Senate concurrent resolutions, as follows:

No. 61, discharging Fireman;

No. 60, Enrolling Clerk to change a letter in Senate bill No. 234;

No. 62, Enrolling Clerk to insert enacting clause in Senate bill No. 428;

And this day, May thirteenth, at half past ten o'clock, P. M., delivered the same to the Governor, for his approval.

GEO. K. PORTER.

A communication was received from the Industrial School Department of San Francisco, inviting the Senate to attend the third anniversary exercises of the school.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 9th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 377, an Act to provide for the collection of the taxes on personal property in the City and County of San Francisco.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 12th, 1862. }

*To the Honorable the Senate of California:*

I have to inform your honorable body that I have approved Senate bill No. 321, an Act to authorize William Sherman, Administrator of the estate of George S. Steere, deceased, and Guardian of the minor heirs of

said Steere, to sell the real estate of said Steere at public or private sale;

Also, Senate bill No. 455, an Act to legalize and confirm a certain instrument recorded in the County Recorder's office of the City and County of San Francisco, and to authorize Obed Ally Palmer, as Attorney, to convey certain lands;

Also, Senate bill No. 466, an Act amendatory of and supplementary to an Act entitled an Act concerning salaries and fees of office in the County of Monterey, approved April nineteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 217, an Act to appoint Commissioners to adjust the affairs of the Counties of San Joaquin and Stanislaus;

Also, Senate bill No. 465, an Act conferring further power upon the Board of Supervisors of the City and County of San Francisco;

Also, Senate bill No. 157, an Act relating to the indenturing of minors;

Also, Senate bill No. 449, an Act to provide for the filing of a list of the lands claimed by the State under the provisions of the various Acts of Congress, making donations to the State;

Also, Senate bill No. 211, an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty;

Also, Senate bill No. 461, an Act to regulate the fees of the County Surveyor of Napa County;

Also, Senate bill No. 108, an Act amendatory of and supplementary to an Act passed April twenty-eighth, eighteen hundred and sixty, entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one;

Also, Senate bill No. 359, an Act amendatory of and supplemental to an Act entitled an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State, approved April twenty-fifth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, eighteen hundred and fifty-nine, approved April twenty-seventh, eighteen hundred and sixty, and an Act approved May sixteenth, eighteen hundred and sixty-one.

LELAND STANFORD, Governor.

The hour having arrived for the Senate to assemble as a Court of Impeachment, the President pro tem. assumed the Chair.

## HIGH COURT OF IMPEACHMENT.

STATE OF CALIFORNIA, }	SENATE CHAMBER, }
VS. }	May 13th, 1862. }
JAMES H. HARDY. }	

Mr. Williams continued summing up for the Defence, and concluded his argument.

At ten minutes of three o'clock, P. M., the Court adjourned until tomorrow, at ten o'clock, A. M.

## IN SENATE.

Mr. Irwin moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Crane, and Gaskill, and taken, with the following result :

AYES—Messrs. Bogart, Burnell, Denver, Gallagher, Harvey, Harri-  
man, Hill, Holden, Kimball, Kutz, Lewis, Merritt, Oulton, Parks, Quint,  
Vineyard, Warmcastle, Watt, and Williamson—19.

NOES—Messrs. Baker, Banks, Chamberlain, Crane, Gaskill, Hatha-  
way, Heacock, Irwin, Nixon, Porter, Powers, Rhodes, Shafter, Soule,  
Shurtleff, and Van Dyke—16.

So, at three o'clock, P. M., the Senate adjourned.

J. F. CHELLIS,

President of the Senate.

Attest : THOMAS HILL, Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Wednesday, May 14th, 1862. }

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Quorum present.

## HIGH COURT OF IMPEACHMENT.

SENATE CHAMBER,

May 14th, 1862. }

STATE OF CALIFORNIA, }  
vs. }  
JAMES H. HARDY. }

President pro tem. presiding.

Mr. Edgerton summed up for the State.

Mr. Perkins moved to take the vote upon each Article of Impeach-  
ment separately, and without debate or explanation.

Carried.

The roll was called on the several Articles of Impeachment, as follows  
—the question being, "Is the defendant Guilty, or Not Guilty?"

## VOTE ON ARTICLE ONE.

Names.	Guilty.	Not Guilty.
Baker .....		1
Banks .....	1	
Bogart .....		1
Burnell .....		1
Chamberlain .....	1	
Crane .....		1



Names.	Guilty.	Not Guilty.
Denver .....		1
Gallagher .....		1
Gaskill .....		1
Harvey .....		1
Harriman .....	1	
Hathaway .....	1	
Heacock .....		1
Hill .....		1
Holden .....		1
Irwin .....		1
Kimball .....		1
Kutz .....	1	
Lewis .....		1
Merritt .....		1
Nixon .....		1
Oulton .....		1
Parks .....		1
Perkins .....		1
Porter .....		1
Powers .....		1
Quint .....		1
Rhodes .....		1
Shafter .....		1
Soule .....		1
Shurtleff .....		1
Van Dyke .....		1
Vineyard .....		1
Warmcastle .....		1
Watt .....		1
Williamson .....		1
Totals .....	5	31

## VOTE ON ARTICLE TWO.

Names.	Guilty.	Not Guilty.
Baker .....		1
Banks .....	1	
Bogart .....		1
Burnell .....		1
Chamberlain .....	1	
Crane .....		1
Denver .....		1
Gallagher .....		1
Gaskill .....	1	

Names.	Guilty.	Not Guilty.
Harvey .....	1	
Harriman ..	1	
Hathaway .....	1	
Heacock .....		1
Hill .....		1
Holden .....		1
Irwin .....		1
Kimball .....	1	
Kutz .....	1	
Lewis .....		1
Merritt .....		1
Nixon .....	1	
Oulton .....		1
Parks .....		1
Perkins .....		1
Porter .....	1	
Powers ..	1	
Quint .....		1
Rhodes .....		1
Shafter .....	1	
Soule .....	1	
Shurtleff .....		1
Van Dyke .....	1	
Vineyard .....		1
Warmcastle .....		1
Watt .....		1
Williamson .....		1
Totals .....	14	22

## VOTE ON ARTICLE THREE.

Names.	Guilty.	Not Guilty.
Baker .....		1
Banks .....		1
Bogart .....		1
Burnell .....		1
Chamberlain .....		1
Crane .....		1
Denver .....		1
Gallagher .....		1
Gaskill .....		1
Harvey .....		1
Harriman .....		1
Hathaway .....		1

Names.	Guilty.	Not Guilty.
Heacock.....		1
Hill.....		1
Holden.....		1
Irwin.....		1
Kimball.....		1
Kutz.....	1	
Lewis.....		1
Merritt.....		1
Nixon.....		1
Oulton.....		1
Parks.....		1
Perkins.....	1	
Porter.....	1	
Powers.....		1
Quint.....		1
Rhodes.....		1
Shafter.....		1
Soule.....		1
Shurtleff.....		1
Van Dyke.....		1
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals.....	3	33

## VOTE ON ARTICLE FOUR.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....	1	
Bogart.....		1
Burnell.....		1
Chamberlain.....	1	
Crane.....	1	
Denver.....		1
Gallagher.....		1
Gaskill.....	1	
Harvey.....	1	
Harriman.....		1
Hathaway.....	1	
Heacock.....		1
Hill.....	1	
Holden.....		1

Names.	Guilty.	Not Guilty.
Irwin.....		1
Kimball.....	1	
Kutz.....		1
Lewis.....		1
Merritt.....		1
Nixon.....	1	
Oulton.....	1	
Parks.....		1
Perkins.....	1	
Porter.....	1	
Powers.....	1	
Quint.....		1
Rhodes.....	1	
Shafter.....	1	
Soule.....	1	
Shurtleff.....		1
Van Dyke.....	1	
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals.....	17	19

## VOTE ON ARTICLE FIVE.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....	1	
Bogart.....		1
Burnell.....		1
Chamberlain.....	1	
Crane.....	1	
Denver.....		1
Gallagher.....		1
Gaskill.....		1
Harvey.....		1
Harriman.....		1
Hathaway.....		1
Heacock.....		1
Hill.....	1	
Holden.....		1
Irwin.....		1
Kimball.....		1
Kutz.....		1



Names.	Guilty.	Not Guilty.
Lewis .....	.....	1
Merritt.....	.....	1
Nixon .....	.....	1
Oulton .....	.....	1
Parks .....	.....	1
Perkins.....	.....	1
Porter .....	.....	1
Powers.....	.....	1
Quint .....	.....	1
Rhodes.....	.....	1
Shafter .....	.....	1
Soule.....	.....	1
Shurtleff.....	.....	1
Van Dyke .....	.....	1
Vineyard .....	.....	1
Warmcastle.....	.....	1
Watt .....	.....	1
Williamson .....	.....	1
Totals.....	4	32

## VOTE ON ARTICLE SIX.

Names.	Guilty.	Not Guilty.
Baker.....	.....	1
Banks.....	.....	1
Bogart .....	.....	1
Burnell.....	.....	1
Chamberlain .....	.....	1
Crane .....	.....	1
Denver .....	.....	1
Gallagher.....	.....	1
Gaskill .....	.....	1
Harvey.....	.....	1
Harriman.....	.....	1
Hathaway .....	.....	1
Heacock .....	.....	1
Hill.....	.....	1
Holden .....	.....	1
Irwin .....	.....	1
Kimball .....	.....	1
Kutz.....	.....	1
Lewis .....	.....	1
Merritt.....	.....	1
Nixon .....	.....	1

Names.	Guilty.	Not Guilty.
Oulton.....		1
Parks.....		1
Perkins.....		1
Porter.....		1
Powers.....		1
Quint.....		1
Rhodes.....		1
Shafter.....	1	
Soule.....		1
Shurtleff.....		1
Van Dyke.....	1	
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals .....	2	34

## VOTE ON ARTICLE SEVEN.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....		1
Bogart.....		1
Burnell.....		1
Chamberlain.....		1
Crane.....		1
Denver.....		1
Gallagher.....		1
Gaskill.....		1
Harvey.....		1
Harriman.....		1
Hathaway.....		1
Heacock.....		1
Hill.....		1
Holden.....		1
Irwin.....		1
Kimball.....		1
Kutz.....		1
Lewis.....		1
Merritt.....		1
Nixon.....		1
Oulton.....		1
Parks.....		1
Perkins.....		1

Names.	Guilty.	Not Guilty.
Porter.....		1
Powers.....		1
Quint.....		1
Rhodes.....		1
Shafter.....		1
Soule.....		1
Shurtleff.....		1
Van Dyke.....		1
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Total.....		36

## VOTE ON ARTICLE EIGHT.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....		1
Bogart.....		1
Burnell.....		1
Chamberlain.....		1
Crane.....		1
Denver.....		1
Gallagher.....		1
Gaskill.....		1
Harvey.....		1
Harriman.....		1
Hathaway.....		1
Heacock.....		1
Hill.....		1
Holden.....		1
Irwin.....		1
Kimball.....		1
Kutz.....		1
Lewis.....		1
Merritt.....		1
Nixon.....		1
Oulton.....		1
Parks.....		1
Perkins.....		1
Porter.....		1
Powers.....		1
Quint.....		1

Names.	Guilty.	Not Guilty.
Rhodes .....	.....	1
Shafter .....	.....	1
Soule .....	.....	1
Shurtleff.....	.....	1
Van Dyke .....	.....	1
Vineyard.....	.....	1
Warmcastle.....	.....	1
Watt.....	.....	1
Williamson .....	.....	1
Total.....	.....	36

## VOTE ON ARTICLE NINE.

Names.	Guilty.	Not Guilty.
Baker .....	.....	1
Banks .....	.....	1
Bogart .....	.....	1
Burnell .....	.....	1
Chamberlain.....	.....	1
Crane .....	1	.....
Denver.....	.....	1
Gallagher.....	.....	1
Gaskill .....	.....	1
Harvey.....	.....	1
Harriman .....	.....	1
Hathaway.....	.....	1
Heacock .....	.....	1
Hill .....	.....	1
Holden .....	.....	1
Irwin.....	.....	1
Kimball .....	.....	1
Kutz .....	.....	1
Lewis .....	.....	1
Merritt.....	.....	1
Nixon .....	.....	1
Oulton .....	.....	1
Parks .....	.....	1
Perkins .....	.....	1
Porter.....	1	.....
Powers .....	.....	1
Quint .....	.....	1
Rhodes .....	.....	1
Shafter.....	1	.....
Soule.....	.....	1



Names.	Guilty.	Not Guilty.
Shurtleff .....	.....	1
Van Dyke .....	.....	1
Vineyard .....	.....	1
Warmcastle .....	.....	1
Watt .....	.....	1
Williamson .....	.....	1
Totals.....	3	33

## VOTE ON ARTICLE TEN.

Names.	Guilty.	Not Guilty.
Baker .....	.....	1
Banks.....	.....	1
Bogart .....	.....	1
Burnell.....	.....	1
Chamberlain .....	1	.....
Crane .....	.....	1
Denver .....	.....	1
Gallagher .....	.....	1
Gaskill .....	.....	1
Harvey .....	.....	1
Harriman.....	.....	1
Hathaway .....	.....	1
Heacock.....	.....	1
Hill .....	.....	1
Holden .....	.....	1
Irwin .....	.....	1
Kimball.....	.....	1
Kutz.....	.....	1
Lewis .....	.....	1
Merritt .....	.....	1
Nixon .....	.....	1
Oulton .....	.....	1
Parks .....	.....	1
Perkins .....	1	.....
Porter .....	1	.....
Powers .....	.....	1
Quint .....	.....	1
Rhodes .....	.....	1
Shafter .....	1	.....
Soule .....	.....	1
Shurtleff.....	.....	1
Van Dyke .....	.....	1
Vineyard .....	.....	1

Names.	Guilty.	Not Guilty.
Warmcastle .....		1
Watt .....		1
Williamson .....		1
Totals.....	4	32

## VOTE ON ARTICLE ELEVEN.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....		1
Bogart.....		1
Burnell.....		1
Chamberlain.....		1
Crane.....	1	
Denver.....		1
Gallagher.....		1
Gaskill.....		1
Harvey.....		1
Harriman.....		1
Hathaway.....		1
Heacock.....		1
Hill.....	1	
Holden.....		1
Irwin.....		1
Kimball.....	1	
Kutz.....		1
Lewis.....		1
Merritt.....		1
Nixon.....		1
Oulton.....		1
Parks.....		1
Perkins.....	1	
Porter.....	1	
Powers.....	1	
Quint.....		1
Rhodes.....		1
Shafter.....		1
Soule.....		1
Shurtleff.....		1
Van Dyke.....		1
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals.....	6	30

## VOTE ON ARTICLE TWELVE.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....		1
Bogart .....		1
Burnell.....		1
Chamberlain.....		1
Crane.....		1
Denver.....		1
Gallagher .....		1
Gaskill .....		1
Harvey.....		1
Harriman.....		1
Hathaway.....		1
Heacock.....		1
Hill.....		1
Holden.....		1
Irwin.....		1
Kimball .....		1
Kutz .....		1
Lewis.....		1
Merritt.....		1
Nixon.....		1
Oulton.....		1
Parks.....		1
Perkins.....	1	
Porter.....	1	
Powers.....		1
Quint.....		1
Rhodes.....		1
Shafter.....		1
Soule .....		1
Shurtleff.....		1
Van Dyke.....		1
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals .....	2	34

## VOTE ON ARTICLE THIRTEEN.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks .....		1
Bogart .....		1

Names.	Guilty.	Not Guilty.
Burnell.....		1
Chamberlain.....		1
Crane.....	1	1
Denver.....		1
Gallagher.....		1
Gaskill.....		1
Harvey.....		1
Harriman.....		1
Hathaway.....		1
Heacock.....		1
Hill.....		1
Holden.....		1
Irwin.....		1
Kimball.....		1
Kutz.....		1
Lewis.....		1
Merritt.....		1
Nixon.....		1
Oulton.....		1
Parks.....		1
Perkins.....		1
Porter.....	1	
Powers.....		1
Quint.....		1
Rhodes.....		1
Shafter.....		1
Soule.....		1
Shurtleff.....		1
Van Dyke.....		1
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals.....	2	34

## VOTE ON ARTICLE FOURTEEN.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....	1	
Bogart.....		1
Burnell.....		1
Chamberlain.....	1	
Crane.....	1	



Names.	Guilty.	Not Guilty.
Denver.....		1
Gallagher.....		1
Gaskill.....	1	
Harvey.....		1
Harriman.....	1	
Hathaway.....	1	
Heacock.....	1	
Hill.....	1	
Holden.....		1
Irwin.....		1
Kimball.....	1	
Kutz.....	1	
Lewis.....		1
Merritt.....		1
Nixon.....	1	
Oulton.....		1
Parks.....		1
Perkins.....	1	
Porter.....	1	
Powers.....	1	
Quint.....		1
Rhodes.....	1	
Shafter.....	1	
Soule.....	1	
Shurtleff.....		1
Van Dyke.....	1	
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals.....	18	18

## VOTE ON ARTICLE FIFTEEN.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....	1	
Bogart.....		1
Burnell.....	1	
Chamberlain.....	1	
Crane.....	1	
Denver.....		1
Gallagher.....	1	
Gaskill.....	1	

Names.	Guilty.	Not Guilty.
Harvey.....	1	.....
Harriman.....	1	.....
Hathaway.....	1	.....
Heacock.....	1	.....
Hill.....	1	.....
Holden.....		1
Irwin.....		1
Kimball.....	1	.....
Kutz.....	1	.....
Lewis.....		1
Merritt.....		1
Nixon.....	1	.....
Oulton.....	1	.....
Parks.....	1	.....
Perkins.....	1	.....
Porter.....	1	.....
Powers.....	1	.....
Quint.....		1
Rhodes.....	1	.....
Shafter.....	1	.....
Soule.....	1	.....
Shurtleff.....	1	.....
Van Dyke.....	1	.....
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals.....	24	12

## VOTE ON ARTICLE SIXTEEN.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....		1
Bogart.....		1
Burnell.....		1
Chamberlain.....		1
Crane.....		1
Denver.....		1
Gallagher.....		1
Gaskill.....		1
Harvey.....		1
Harriman.....		1
Hathaway.....		1

Names.	Guilty.	Not Guilty.
Heacock .....		1
Hill.....		1
Holden .....		1
Irwin .....		1
Kimball .....		1
Kutz.....	1	
Lewis.....		1
Merritt .....		1
Nixon.....		1
Oulton .....		1
Parks .....		1
Perkins .....	1	
Porter .....		1
Powers.....	1	
Quint .....		1
Rhodes .....		1
Shafter .....		1
Soule.....		1
Shurtleff .....		1
Van Dyke.....		1
Vineyard .....		1
Warmcastle.....		1
Watt.....		1
Williamson .....		1
Totals .....	3	33

## VOTE ON ARTICLE SEVENTEEN.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....	1	
Bogart.....		1
Burnell.....		1
Chamberlain.....	1	
Crane .....	1	
Denver .....		1
Gallagher.....		1
Gaskill.....		1
Harvey .....		1
Harriman .....		1
Hathaway.....		1
Heacock.....		1
Hill.....		1
Holden.....		1
89SEN		

Names.	Guilty.	Not Guilty.
Irwin .....		1
Kimball.....		1
Kutz .....	1	
Lewis .....		1
Merritt.....		1
Nixon.....		1
Oulton .....		1
Parks.....		1
Perkins.....	1	
Porter.....	1	
Powers .....		1
Quint .....		1
Rhodes .....		1
Shafter.....	1	
Soule.....	1	
Shurtleff.....		1
Van Dyke.....		1
Vineyard .....		1
Warmcastle.....		1
Watt.....		1
Williamson .....		1
Totals.. .....	8	28

## VOTE ON ARTICLE EIGHTEEN.

Names.	Guilty.	Not Guilty.
Baker .....		1
Banks .....		1
Bogart .....		1
Burnell.....		1
Chamberlain .....		1
Crane .....	1	
Denver .....		1
Gallagher .....		1
Gaskill .....		1
Harvey.....		1
Harriman .....		1
Hathaway.....		1
Heacock .....		1
Hill.....		1
Holden .....		1
Irwin.....		1
Kimball.....	1	
Kutz .....	1	



Names.	Guilty.	Not Guilty.
Lewis .....		1
Merritt .....		1
Nixon .....		1
Oulton .....		1
Parks .....		1
Perkins .....	1	
Porter .....		1
Powers .....		1
Quint .....		1
Rhodes .....		1
Shafter .....	1	
Soule .....	1	
Shurtleff .....		1
Van Dyke .....		1
Vineyard .....		1
Warneastle .....		1
Watt .....		1
Williamson .....		1
Totals .....	6	30

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VOTE ON ARTICLE NINETEEN.

Names.	Guilty.	Not Guilty.
Baker .....		1
Banks .....	1	
Bogart .....		1
Burnell .....		1
Chamberlain .....		1
Crane .....		1
Denver .....		1
Gallagher .....		1
Gaskill .....		1
Harvey .....		1
Harriman .....		1
Hathaway .....		1
Heacock .....		1
Hill .....		1
Holden .....		1
Irwin .....		1
Kimball .....		1
Kutz .....		1
Lewis .....		1
Merritt .....		1
Nixon .....		1

Names.	Guilty.	Not Guilty.
Oulton.....		1
Parks.....		1
Perkins.....	1	
Porter.....		1
Powers.....		1
Quint.....		1
Rhodes.....		1
Shafter.....	1	
Soule.....	1	
Shurtleff.....		1
Van Dyke.....		1
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals.....	4	32

## VOTE ON ARTICLE TWENTY.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....		1
Bogart.....		1
Burnell.....		1
Chamberlain.....		1
Crane.....	1	
Denver.....		1
Gallagher.....		1
Gaskill.....		1
Harvey.....		1
Harriman.....		1
Hathaway.....		1
Heacock.....		1
Hill.....		1
Holden.....		1
Irwin.....		1
Kimball.....		1
Kutz.....		1
Lewis.....		1
Merritt.....		1
Nixon.....		1
Oulton.....		1
Parks.....		1
Perkins.....		1

Names.	Guilty.	Not Guilty.
Porter .....	1	.....
Powers.....	.....	1
Quint.....	.....	1
Rhodes .....	.....	1
Shafter.....	.....	1
Soule.....	.....	1
Shurtleff.....	.....	1
Van Dyke.....	.....	1
Vineyard.....	.....	1
Warmcastle.....	.....	1
Watt.....	.....	1
Williamson .....	.....	1
Totals.....	2	34

On motion of Mr. Perkins, the vote was taken separately on each of the five subdivisions of Article Twenty-One, as follows:

VOTE ON SUBDIVISION FIRST OF ARTICLE TWENTY-ONE.

Names.	Guilty.	Not Guilty.
Baker .....	.....	1
Banks .....	1	.....
Bogart .....	.....	1
Burnell .....	.....	1
Chamberlain.....	1	.....
Crane ..	1	.....
Denver.....	.....	1
Gallagher.....	.....	1
Gaskill .....	1	.....
Harvey.....	.....	1
Harriman .....	.....	1
Hathaway .....	1	.....
Heacock .....	.....	1
Hill .....	.....	1
Holden .....	.....	1
Irwin ..	.....	1
Kimball .....	1	.....
Kutz.....	1	.....
Lewis .....	.....	1
Merritt.....	.....	1
Nixon .....	.....	1
Oulton .....	.....	1
Parks .....	.....	1
Perkins .....	1	.....

Names.	Guilty.	Not Guilty.
Porter.....	1	
Powers.....		1
Quint.....		1
Rhodes.....	1	
Shafter.....	1	
Soule.....	1	
Shurtleff.....		1
Van Dyke.....	1	
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals .....	13	23

VOTE ON SUBDIVISION SECOND OF ARTICLE TWENTY-ONE.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....	1	
Bogart.....		1
Burnell.....		1
Chamberlain.....	1	
Crane.....	1	
Denver.....		1
Gallagher.....		1
Gaskill.....	1	
Harvey.....	1	
Harriman.....	1	
Hathaway.....	1	
Heacock.....		1
Hill.....	1	
Holden.....		1
Irwin.....		1
Kimball.....	1	
Kutz.....	1	
Lewis.....		1
Merritt.....		1
Nixon.....	1	
Oulton.....		1
Parks.....		1
Perkins.....	1	
Porter.....	1	
Powers.....	1	
Quint.....		1



Names.	Guilty.	Not Guilty.
Rhodes.....	1	
Shafter.....	1	
Soule.....	1	
Shurtleff.....		1
Van Dyke.....	1	
Vineyard.....		1
Warmcastle.....		1
Watt.....		1
Williamson.....		1
Totals.....	18	18

## VOTE ON SUBDIVISION THIRD OF ARTICLE TWENTY-ONE.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....		1
Bogart.....		1
Burnell.....		1
Chamberlain.....	1	
Crane.....	1	
Denver.....		1
Gallagher.....		1
Gaskill.....		1
Harvey.....		1
Harriman.....		1
Hathaway.....		1
Heacock.....		1
Hill.....		1
Holden.....		1
Irwin.....		1
Kimball.....	1	
Kutz.....	1	
Lewis.....		1
Merritt.....		1
Nixon.....		1
Oulton.....		1
Parks.....		1
Perkins.....	1	
Porter.....		1
Powers.....	1	
Quint.....		1
Rhodes.....		1
Shafter.....		1
Soule.....		1

Names.	Guilty.	Not Guilty.
Shurtleff.....		1
Van Dyke.....		1
Vineyard.....		1
Warneastle.....		1
Watt.....		1
Williamson.....		1
Totals .....	6	30

## VOTE ON SUBDIVISION FOURTH OF ARTICLE TWENTY-ONE.

Names.	Guilty.	Not Guilty.
Baker.....		1
Banks.....	1	
Bogart.....		1
Burnell.....		1
Chamberlain.....	1	
Crane.....	1	
Denver.....		1
Gallagher.....		1
Gaskill.....		1
Harvey.....	1	
Harriman.....	1	
Hathaway.....	1	
Heacock.....		1
Hill.....	1	
Holden.....		1
Irwin.....		1
Kimball.....	1	
Kutz.....	1	
Lewis.....		1
Merritt.....		1
Nixon.....		1
Oulton.....		1
Parks.....		1
Perkins.....	1	
Porter.....	1	
Powers.....	1	
Quint.....		1
Rhodes.....	1	
Shafter.....	1	
Soule.....	1	
Shurtleff.....		1
Van Dyke.....	1	
Vineyard.....		1

Names.	Guilty.	Not Guilty.
Warmcastle .....	.....	1
Watt.....	.....	1
Williamson .....	.....	1
Totals.....	16	20

## VOTE ON SUBDIVISION FIFTH OF ARTICLE TWENTY-ONE.

Names.	Guilty.	Not Guilty.
Baker.....	.....	1
Banks .....	1	.....
Bogart.....	.....	1
Burnell.....	.....	1
Chamberlain.....	.....	1
Crane.....	1	.....
Denver .....	.....	1
Gallagher.....	.....	1
Gaskill .....	1	.....
Harvey.....	1	.....
Harriman.....	.....	1
Hathaway .....	.....	1
Heacock.....	.....	1
Hill.....	1	.....
Holden.....	.....	1
Irwin .....	.....	1
Kimball..	1	.....
Kutz .....	.....	1
Lewis.....	.....	1
Merritt .....	.....	1
Nixon .....	1	.....
Oulton .....	1	.....
Parks.....	.....	1
Perkins.....	1	.....
Porter.....	1	.....
Powers.....	1	.....
Quint...	.....	1
Rhodes.....	1	.....
Shafter .....	1	.....
Soule.....	1	.....
Shurtleff.....	.....	1
Van Dyke.....	1	.....
Vineyard .....	.....	1
Warmcastle .....	.....	1
Watt.....	.....	1
Williamson .....	.....	1
Totals.....	15	21

## VOTE ON ARTICLE TWENTY-TWO.

Names.	Guilty.	Not Guilty.
Baker .....		1
Banks.....		1
Bogart .....		1
Burnell.....		1
Chamberlain .....	1	
Crane .....	1	
Denver.....		1
Gallagher.....		1
Gaskill .....	1	
Harvey.....		1
Harriman.....		1
Hathaway .....		1
Heacock .....		1
Hill .....		1
Holden .....		1
Irwin .....		1
Kimball.....	1	
Kutz.....		1
Lewis .....		1
Merritt.....		1
Nixon .....		1
Oulton .....	1	
Parks .....		1
Perkins.....	1	
Porter.....	1	
Powers.....	1	
Quint .....		1
Rhodes.....	1	
Shafter.....		1
Soule.....	1	
Shurtleff.....		1
Van Dyke.....	1	
Vineyard .....		1
Warmcastle .....		1
Watt.....		1
Williamson .....		1
Totals.....	11	25

The affirmative vote on the Fifteenth Article being two-thirds of all the members present, the Defendant was declared convicted of the charges set forth in that Article, and acquitted of all the others.

In conformity to law, the following resolution was offered, by Mr. Crane :

*Resolved.* That James H. Hardy, being duly convicted of the High Crime and Misdemeanor charged in Article Fifteen of the Articles of Impeachment presented by the Assembly, it is hereby adjudged that said



James H. Hardy be and he is hereby declared suspended and removed from the office of District Judge of the Sixteenth Judicial District of this State.

Mr. Merritt offered the following substitute for the above :

*Resolved*, That James H. Hardy, Judge of the Sixteenth Judicial District, having been convicted by the Senate, sitting as a High Court of Impeachment, of uttering treasonable and seditious language of and concerning the Government of the United States, said James H. Hardy is hereby suspended from his said office of District Judge of the Sixteenth Judicial District, and from exercising the duties thereof, and from receiving its emoluments, for the space of six months.

On the adoption of the substitute, the roll was called, with the following result :

AYES—Messrs. Baker, Bogart, Burnell, Denver, Holden, Lewis, Merritt, Parks, Vineyard, and Williamson—10.

NOES—Messrs. Banks, Chamberlain, Crane, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Hill, Irwin, Kimball, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Quint, Rhodes, Shafter, Soule, Shurtleff, Van Dyke, and Watt—24.

On the adoption of the resolution, the ayes and noes were taken, with the following result :

AYES—Messrs. Banks, Chamberlain, Crane, Gallagher, Gaskill, Harvey, Harriman, Hathaway, Hill, Kimball, Kutz, Nixon, Oulton, Perkins, Porter, Powers, Rhodes, Shafter, Soule, Shurtleff, and Van Dyke—21.

NOES—Messrs. Baker, Bogart, Burnell, Denver, Holden, Irwin, Lewis, Merritt, Parks, Quint, Vineyard, Warmcastle, Watt, and Williamson—14.

The trial of the Impeachment of James H. Hardy being concluded, the President pro tem. declared the High Court of Impeachment dissolved.

#### IN SENATE.

Mr. Irwin, from the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT :—Your Committee on Contingent Expenses have examined, and found correct, the following bills :

Claimants.	Amount.
Marysville Daily Appeal.....	\$15 31
San Francisco Bulletin .....	69 85
San Joaquin Republican .....	5 50
California Express Printing Company .....	21 00
Day Bee.....	20 25

Claimants.	Amount.
Daily Herald and Mirror.....	\$3 00
Mountain Democrat.....	31 50
Placerville Daily News.....	10 00
Stockton Independent.....	13 50
Sacramento Union.....	120 50
Alta California.....	31 00
Sprit of the Times .....	20 50
Pacific Echo.....	3 00

The Committee respectfully recommend the adoption of the following resolution :

*Resolved*, That the Controller of State be and he is hereby required to draw his warrant in favor of the above parties for the several amounts, payable out of the Contingent Fund of the Senate.

IRWIN, Chairman.

Adopted.

Mr. Merritt offered the following resolution :

*Resolved*, That the Secretary of State be and is hereby required, whenever the transcription of the official report of the proceedings and testimony, in the trial of Judge James H. Hardy before the Senate, sitting as a High Court of Impeachment, is fully completed, to compute the number of folios contained in the same, and to issue a certificate of the amount, and the compensation due therefor, at the rate of twenty-five cents for each and every folio, to Charles A. Sumner and William M. Cutter, Official Reporters; and the Controller of State is hereby authorized and required, upon the presentation to him of said certificate, to draw his warrant in favor of said Charles A. Sumner and William M. Cutter, for the sum specified in said certificate, the same to be payable out of the Contingent Fund of the Senate; and the Treasurer of State is hereby authorized and required to pay the same.

Adopted.

Mr. Irwin presented an account of the Postmaster of San Francisco, for box rent.

Referred to the Committee on Contingent Expenses.

Mr. Shurtleff offered a concurrent resolution, granting leave of absence to the County Clerk of Trinity County.

Adopted.

Assembly bill No. 496, an Act to legalize the delinquent tax list of the County of Sonoma for the fiscal years eighteen hundred and fifty-nine, eighteen hundred and sixty, eighteen hundred and sixty-one, and eighteen hundred and sixty-two, was read third time, and passed.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
May 13th, 1862. }

Mr. PRESIDENT :—The Assembly this day passed Senate bill No. 191, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, passed Senate bill No. 192, same title ;

Also, passed Senate bill No. 197, same title ;

Also, passed Senate bill No. 207, same title ;

Also, passed Senate bill No. 378, same title ;

Also, passed Senate bill No. 352, to authorize John S. Rutherford, and others, to construct a railroad and wharf in Mendocino County ;

Also, passed Senate bill No. 434, an Act to amend an Act to regulate descents and distributions, passed April thirteenth, eighteen hundred and fifty ;

Also, Senate bill No. 469, an Act to grant the right of way to construct a bridge across Bear River, at or near McCourtney's Crossing, and to repeal a certain Act ;

Also, Senate bill No. 475, an Act to amend an Act entitled an Act in relation to the Board of Supervisors in and for Butte County ;

Also, Assembly bill No. 496, an Act to legalize the delinquent tax list for the County of Sonoma for fiscal years eighteen hundred and fifty-nine, eighteen hundred and sixty, eighteen hundred and sixty-one, and eighteen hundred and sixty-two ;

Also, adopted Senate concurrent resolution No. 65, relative to claims of Tuttle, Williamson, and Garvey ;

Also, amended and adopted Senate concurrent resolution No. 64, tendering thanks to General Winfield Scott ;

Also, adopted Assembly concurrent resolution No. 39, relative to distribution of testimony, etc., in the Impeachment trial ;

Also, passed Senate bill No. 473, an Act supplementary to an Act to provide revenue by a tax upon bills, passengers, insurance companies, etc., approved April fifteenth, eighteen hundred and sixty-two ;

Also, on the twelfth instant passed Assembly bill No. 84, an Act amendatory of an Act concerning crimes and punishments ;

Also, passed Assembly bill No. 491, an Act legalizing acknowledgments of deeds and other conveyances of real estate taken before Clerks of Courts of Record, and before Justices of the Peace, in certain cases ;

Also, Assembly bill No. 339, an Act for the relief of Charles B. Young ;

Also, Assembly bill No. 423, an Act to amend an Act entitled an Act in relation to the Probate Court of the City and County of San Francisco, approved May eighteenth, eighteen hundred and sixty-one.

W. N. SLOCUM,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
May 14th, 1862. }

Mr. PRESIDENT :—The Assembly this day passed Senate bill No. 474, an Act to appropriate money to pay expenses incurred in the trial of the Impeachment case of James H. Hardy ;

Also, this day amended and passed Senate bill No. 467, an Act to provide for the removal of the furniture, books, and stationery, to the Capitol, at Sacramento ;

Also, this day passed Senate bill No. 472, an Act to authorize the pay-

ment of the rent of the building known as the Merchants' Exchange, in San Francisco, now occupied by the Legislature;

Also, adopted Assembly concurrent resolution No. 41, authorizing the Controller to draw warrants for the payment of an account;

Also, this day amended and passed Senate bill No. 471, an Act to create a Contingent Fund for the Senate, and amended title.

W. N. SLOCUM,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate concurred in Assembly amendments to Senate bill No. 471, above reported.

Senate concurred in Assembly amendments to Senate bill No. 467, above reported.

Senate concurred in Assembly amendments to Senate bill No. 472, above reported.

Assembly concurrent resolution No. 41, above reported, was adopted.

Assembly bill No. 423, above reported, was read first and second times, and placed on file.

Assembly bill No. 339, above reported, was read first and second times, and placed on file.

Assembly bill No. 84, above reported, was read first and second times, and placed on file.

Assembly bill No. 491, above reported, was read first and second times, and placed on file.

Assembly concurrent resolution No. 39, above reported, indefinitely postponed.

Mr. Merritt offered the following resolution :

*Resolved.* That William McCoy, Porter of the Senate, be and is hereby allowed one dollar per day, from the date of his appointment to the end of the session, and the Controller of State be and is hereby authorized and required to draw his warrant in favor of said McCoy, for the amount, payable out of the Contingent Fund of Senate.

Adopted.

The Senate refused to concur in Assembly amendments to Senate concurrent resolution No. 65, above reported.

Mr. Crane, from the Committee on Education, made the following report :

MR. PRESIDENT :—The Committee on Education, to whom was referred Assembly bill No. 253, have had the same under consideration, and herewith report the same back, without amendment, and recommend its indefinite postponement, on the ground that a similar Act originating in this body has already become a law.

CRANE, for Committee.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 13th, 1862. }

*To the Honorable the Senate of California :*

I herewith return to your honorable body, without my approval, Sen-



ate bill No. 428, an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty.

Unless I entirely misapprehend the scope and effect of the bill under consideration, the result, should it become a law, would be to deprive a large number of persons who have a legal and equitable claim to lands, and a right to sue for and recover possession of the same, at the time when this bill would take effect, if approved, of all remedy thereafter. Such an Act would be clearly in violation of Article one, section ten, of the Constitution of the United States, which prohibits the passage, by a State, of any law impairing the obligation of contracts.

It is quite clear to my mind that the Legislature cannot, under the form of limiting the time for the commencement of civil actions, deny to a party any time whatever in which to proceed to enforce his rights by a suit at law. The Supreme Court of this State, in the case of *Scarborough vs. Dugan*, (10 California Reports, page 308,) uses the following language, which seems to be conclusive upon the point under discussion:

"The question comes, then, to this: Can the Legislature, under the pretence or with the object of regulating the remedy, deny all remedy, and thus destroy the contract? for it is well settled that a judgment, in this sense of the Constitution, is a contract. It is not disputed that the law of the forum can regulate the remedy, which, generally speaking, forms no part of the contract, and thus is not within the constitutional interdict. But it is just as well settled that the Legislature has no right so to regulate the remedy, as that it shall destroy the contract by denying all means of enforcement. A right without a remedy, is, practically, no obligation at all. A contract is just as much impaired by a prohibition to sue upon it, as it is by direct legislative action declaring it void. It is the same thing for the Legislature to say that a promissory note, now due and collectable, shall not be sued on if it has been due for a year, as to say that all promissory notes, overdue that length of time, shall be void. The rule is thus expressed in *Bronson vs. Kinsie*, (1 How. U. S., 311,) Chief Justice Taney delivering the opinion:

" 'Whatever belongs merely to the remedy, may be altered according to the will of the State, provided the alteration does not impair the obligation of the contract; but if that effect is produced, it is immaterial whether it is done by acting on the remedy, or directly on the contract itself. In either case, it is prohibited by the Constitution.' (See, also, *McCrackin vs. Haywood*, 2 How. U. S. R., 608.)

"The Statute of Limitations, therefore, can only be construed to apply to judgments *not in esse* at the time of the passage of the Act of eighteen hundred and fifty-five, or as giving two years from the passage of the Act within which to sue upon such as were not already barred by the Act of eighteen hundred and fifty."

Entertaining these views, I am compelled to withhold my signature, upon the ground that the provisions of the bill are clearly unconstitutional. But should I be mistaken in this, there are still cogent reasons, of another character, why this bill should not become a law.

Under the decisions of our Courts, it has been determined, in relation to Mexican grants, that the party claiming under such a grant, if held good, has the right to recover possession of the entire tract within the boundaries designated, viz: a party entitled to one league of land within boundaries embracing a hundred leagues, has the right, and may, until segregation has been had, recover possession of the entire hundred leagues. The effect of this bill would be, were it to become a law, to

compel parties claiming lands under Mexican grants, in order to save their interests in that to which they might be justly entitled, to commence suits, within sixty days after its passage, for the recovery of the entire lands embraced within the boundaries mentioned in the grant.

This would result in incalculable damage to vast numbers of our citizens who have settled in good faith upon what they supposed to be public lands, and who, but for the passage of an Act like this, would remain in undisturbed possession of their homes. I cannot, then, but think, that the passage of this bill would be injurious to those claiming under Mexican grants, and one of the most disastrous blows possible to those claiming adversely to such grants. As I view the bill, its becoming a law would result in a flood of needless litigation, and would be overwhelmingly destructive to the best interests of a great portion of the agricultural population of the State.

I believe, therefore, that public policy imperatively requires that I should withhold my approval of the bill herewith returned.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 14th, 1862.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 376, an Act concerning the redemption of county and city bonds ;

Also, Senate bill No. 183, an Act authorizing the State Treasurer to issue war bonds to A. W. Bee ;

Also, Senate bill No. 307, an Act to amend an Act entitled an Act authorizing the Administrators of the estate of Gilbert A. Grant, deceased, to sell and convey real estate at private sale, approved May fourteenth, eighteen hundred and sixty-one ;

Also, Senate bill No. 432, an Act supplemental to an Act concerning the office of the Surveyor-General of this State, approved April seventeenth, A. D. eighteen hundred and fifty ;

Also, Senate bill No. 365, an Act to amend an Act entitled an Act concerning Coroners, passed April nineteenth, eighteen hundred and fifty ;

Also, Senate bill No. 424, an Act granting certain lands to the United States ;

Also, Senate bill No. 426, an Act to fix the times for holding the terms of the District Court of the Seventh Judicial District, in Solano County ;

Also, Senate bill No. 303, an Act to create a Contingent Fund for the County of Contra Costa ;

Also, Senate bill No. 462, an Act to authorize and empower the Administratrix of Lucius R. Buckley to sell, and convey, and to partition, certain real estate ;

Also, Senate bill No. 267, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, A. D. eighteen hundred and sixty-one.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 14th, 1862.

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate

bill No. 473, an Act amendatory of and supplemental to an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax upon foreign and inland bills, passengers, insurance companies, and other matters, approved April fifteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 464, an Act to authorize the Board of Supervisors of the County of Yuba to issue bonds of said county to the California Central Railroad Company, to the amount of one hundred thousand dollars;

Also, Senate bill No. 253, an Act amendatory of and supplemental to an Act entitled an Act to regulate the fire department of the City and County of San Francisco, passed March twenty-fifth, eighteen hundred and fifty-seven, and the several Acts amendatory thereof;

Also, Senate bill No. 442, an Act amendatory of an Act passed May eighteenth, eighteen hundred and sixty-one, entitled an Act concerning roads and highways in the County of Sacramento;

Also, Senate bill No. 173, an Act to authorize the incorporation of canal companies, and the construction of canals.

LELAND STANFORD, Governor.

The question being, "Shall Senate bill No. 428, above returned, pass, notwithstanding the objections of the Governor," the roll was called, with the following result:

AYES—MESSRS. Baker, Chamberlain, Crane, Harvey, Holden, Oulton, Parks, Rhodes, Warmcastle, and Watt—10.

NOES—MESSRS. Banks, Burnell, Gallagher, Hathaway, Irwin, Lewis, Merritt, Perkins, Porter, Powers, Soule, Shurtleff, Vineyard, and Williamson—14.

Mr. Rhodes, from the Judiciary Committee, reported back Assembly bills Nos. 25, 471, 242, 243, and 418, without recommendation.

Mr. Denver made a verbal report, reporting back Assembly bill No. 459, without recommendation.

Mr. Merritt moved to take up Assembly bill No. 456, an Act authorizing the payment of a certain claim.

Upon which, the ayes and noes were demanded, by Messrs. Chamberlain, Oulton, and Perkins, and taken, with the following result:

AYES—MESSRS. Baker, Banks, Bogart, Denver, Gallagher, Gaskill, Holden, Irwin, Kimball, Lewis, Merritt, Parks, Porter, Quint, Rhodes, Soule, Shurtleff, Van Dyke, Vineyard, Warmcastle, and Williamson—21.

NOES—MESSRS. Burnell, Chamberlain, Crane, Harvey, Hathaway, Oulton, Perkins, Powers, Shafter, and Watt—10.

Pending the consideration of the above bill, on motion of Mr. Watt, at five o'clock, P. M. the Senate adjourned.

J. McM. SHAFTER,  
President pro tem. of the Senate.

Attest: THOMAS HILL, Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Thursday, May 15th, 1862. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Heacock offered the following resolution :

*Resolved*, That the Controller of State be and is hereby authorized and required to draw his warrants in favor of Charles A. Sumner and William M. Cutter, for services as Official Reporters of the Senate, sitting as a High Court of Impeachment, in the sum of fifteen dollars per day, each, for each day from the twenty-eighth of April, eighteen hundred and sixty-two, to the fourteenth of May, eighteen hundred and sixty-two, inclusive, payable out of the Contingent Fund of the Senate, and the Treasurer of State is hereby authorized and required to pay the same.

Adopted.

## REPORTS.

Mr. Parks, from the Committee on Claims, made the following report :

MR. PRESIDENT :—The Committee on Claims report back the claim of William C. Kibbe, for expenses incurred in the prosecution of claims of this State before Congress, and as this claim has been provided for in a bill which is now a law, recommend its indefinite postponement ;

Also, Senate bill No. 75, to pay the County of San Joaquin for money expended in locating lands ; without recommendation ;

Also, claim of J. H. Miller, for newspapers ; without recommendation ;

Also, claim of H. C. Stockton, for expenses incurred in quelling a riot in Shasta County ; without recommendation ;

Also, claim of H. C. Kibbe, copying for the Senate, twelfth session. As the Senate records, written up by claimant, are in Sacramento, the Committee did not have an opportunity to examine this claim, therefore report it back, without recommendation.

PARKS, Chairman.

Mr. Porter, from the Committee on Enrolment, made the following report :

MR. PRESIDENT :—The Committee on Enrolment have examined, and found correctly enrolled, Senate bill No. 464, an Act to authorize the Board of Supervisors of the County of Yuba to issue bonds of said county to the California Central Railroad Company, to the amount of one hundred thousand dollars ;

Also, Senate bill No. 473, an Act amendatory of and supplementary to an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax upon foreign and inland bills, passengers,



insurance companies, and other matters, approved April fifteenth, eighteen hundred and sixty-two;

Also, Senate bill No. 475, an Act to amend an Act entitled an Act in relation to the Board of Supervisors, in and for Butte County;

Also, Senate bill No. 469, an Act to grant the right of way to construct a bridge across Bear River, at or near McCourtney's Crossing, etc., and to repeal a certain Act;

Also, Senate bill No. 434, an Act to amend an Act entitled an Act to regulate descents and distributions, passed April thirteenth, eighteen hundred and fifty;

Also, Senate bill No. 468, an Act concerning the office of County Clerk of the City and County of San Francisco;

Also, Senate bill No. 378, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and sixty-two;

Also, Senate bill No. 207, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, approved February twentieth, eighteen hundred and fifty-seven;

Also, Senate bill No. 192, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 352, an Act to authorize John S. Rutherford and George E. Webber to construct a railroad wharf in Mendocino County;

Also, Senate bill No. 197, an Act to amend section twenty-seven of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 470, an Act relating to the levying of taxes;

Also, Senate concurrent resolution No. 63, tendering thanks of State to officers and men of the Army and Navy;

Also, Senate concurrent resolution No. 64, tendering thanks to General Winfield Scott;

Also, Senate bill No. 474, an Act to appropriate money to pay expenses incurred in the trial of the Impeachment case of James H. Hardy;

Also, Senate bill No. 471, an Act making appropriation for a Contingent Fund of the Senate;

Also, Senate bill No. 191, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 467, an Act to provide for the removal of the furniture, books, etc., to the Capitol at Sacramento;

Also, Senate bill No. 472, an Act to pay John Parrott for rent of building for Legislature;

And this day, May fourteenth, eighteen hundred and sixty-two, at seven o'clock, P. M., delivered the same to the Governor, for his approval.

PORTER, Chairman.

Mr. Porter offered the following resolution:

*Resolved*, That J. A. Peabody be allowed his per diem as Assistant Enrolling Clerk, from February first to March seventh, eighteen hundred and sixty-two, payable out of fund for pay of officers and Clerks of Senate.

**Adopted.**

Mr. Harvey made a report on Senate bill No. 221, that Committee on Free Conference could not agree.

Mr. Parks made a report on Senate bill No. 128, without recommendation.

Mr. Van Dyke reported back certain papers, which were placed on file.

Mr. Irwin reported back account of S. H. Parker, without recommendation.

Mr. Holden made a report on Senate bill No. 414, without recommendation ;

Also, made a report on Senate concurrent resolution No. 58, without recommendation.

Mr. Shafter offered the following resolution :

*Resolved*, That Hon. Samuel Soule and Hon. R. F. Perkins, Senators from the Eighth Senatorial District of this State, do now determine, by lot, which of said Senators' term of office shall terminate this year, and which shall hold over until next year, and that the same be determined by writing the name of each Senator upon a ballot, depositing each ballot in a box, and that Page, Master Hunt, draw therefrom one of said ballots. The Senator whose name shall be thus drawn shall hold over until the next year, and the term of the other shall terminate the present year.

Adopted.

In accordance with the above resolution, the name of Hon. Richard F. Perkins was drawn, and he was then declared the hold-over Senator.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
May 15th, 1862. }

Mr. PRESIDENT :—The Assembly this day concurred in Senate concurrent resolution No. 68, relative to granting leave of absence to the County Clerk of Trinity County ;

Also, concurred in Senate concurrent resolution No. 59, relative to printing three thousand copies of the annual report of the State Agricultural Society for eighteen hundred and sixty-one ;

Also, adopted Assembly concurrent resolution No. 42, relative to furnishing copies of proceedings of the Impeachment trial to members of the Legislature ;

Also, passed Assembly bill No. 497, an Act to correct a clerical error, etc. ;

Also, adopted Assembly concurrent resolution No. 43, suspending Joint Rule Number Fifteen.

W. N. SLOCUM,  
Assistant Clerk.

#### RESOLUTIONS.

Mr. Machin offered the following resolution :

*Resolved*, That the thanks of this Senate are hereby due and are hereby heartily tendered to the Hon. J. F. Chellis, Lieutenant-Governor, for the

able, impartial, and urbane manner in which he has presided over the deliberations of this body during the present long and exhaustive session.

Adopted.

Mr. Gaskill offered the following resolution :

*Resolved*, That the thanks of this Senate are due and are hereby tendered to the President, and President pro tem., for the distinguished ability and uniform courtesy and impartiality with which they have presided over its deliberations.

Adopted.

Mr. Van Dyke offered the following resolution :

*Resolved*, That the Journal Clerk be allowed four days pay, after the adjournment, for writing up the Journal of the Senate; and after the same is written up, it shall be delivered to the Secretary of the Senate by said Clerk, and the President or Vice-President shall approve the same.

Adopted.

Mr. Parks offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be allowed four days time, and the usual per diem, to settle up his books, accounts, etc., and for delivering to the State Library the books of Senators and public documents in his possession, and that the Controller of State is hereby required to draw his warrants, and the Treasurer of State to pay the same for the said per diem, at the rate of eight dollars per day.

Adopted.

Mr. Merritt offered the following resolution :

*Resolved*, That the Controller of State be and is hereby directed to draw his warrant on the Contingent Fund of the Senate, for forty-six dollars and eighty cents, in favor of Thomas Hill, Secretary of the Senate, for mileage, in taking to the office of the Secretary of State the books, papers, and documents of the Senate, as required by law.

Adopted.

Mr. Perkins moved to take up the Chinese memorial.

Lost.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 15th, 1862. }

*To the Honorable the Senate of California :*

I have to inform your honorable body that I have approved Senate bill No. 207, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, approved February twentieth, eighteen hundred and fifty-seven;

Also, Senate bill No. 474, an Act to appropriate money to pay ex-



penses incurred in case of the trial of the Impeachment of James H. Hardy, before the Senate of the State of California;

Also, Senate bill No. 468, an Act concerning the office of County Clerk of the City and County of San Francisco;

Also, Senate bill No. 471, an Act making appropriations for a Contingent Fund of the Senate and Assembly;

Also, Senate bill No. 197, an Act to amend section twenty-seven of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 191, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 378, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 434, an Act to amend an Act to regulate descents and distributions, passed April thirteenth, eighteen hundred and fifty;

Also, Senate bill No. 192, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Senate bill No. 475, an Act to amend an Act entitled an Act in relation to the Board of Supervisors in and for Butte County, and concerning their powers, passed April tenth, eighteen hundred and sixty-two;

Also, Senate bill No. 470, an Act relating to the levying of taxes;

Also, Senate bill No. 467, an Act to provide for the removal of the furniture, books, and stationery, to the Capitol at Sacramento;

Also, Senate bill No. 469, an Act to grant the right of way to construct a toll bridge across Bear River, at or near McCourtney's Crossing, in the Counties of Yuba and Placer, and to repeal a certain Act therein named;

Also, Senate bill No. 352, an Act to authorize John S. Rutherford and George E. Webber to construct a railroad and railroad wharf in Mendocino County;

Also, Senate bill No. 472, an Act to authorize the payment of the rent of the building known as the Merchant's Exchange, in the City and County of San Francisco, now occupied by the Legislature;

Also, Senate bill No. 323, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

LELAND STANFORD, Governor.

#### RESOLUTIONS.

Mr. Porter offered the following resolution:

*Resolved*, That the thanks of this Senate are hereby tendered to the Secretaries, Sergeant-at-Arms, and other officers and attachés of this body, for the faithful and efficient manner in which they have each discharged the duties of their several offices during the present session of this body.

Adopted.

Mr. Shurtleff offered the following resolution:



*Resolved*, That H. C. Kibbe be allowed fifteen dollars, for freight and expenses for tables and furniture from the Capitol at Sacramento, to San Francisco, March, eighteen hundred and sixty-two.

Adopted.

Mr. Perkins offered the following resolution :

*Resolved*, That Charles S. Adams, Postmaster of the Senate, be allowed five days pay to forward letters and papers that may come to the members of the Senate, after its adjournment, to be paid out of the Contingent Fund of the Senate.

Adopted.

Messrs. Irwin and Kimball were appointed a Committee to wait upon the Governor, to ascertain if he had any further communication to make to the Senate.

Mr. Perkins offered concurrent resolution relative to appointing L. B. Drew to take charge of furniture, etc.

Lost.

Mr. Irwin, from the Committee appointed to wait upon the Governor, reported that His Excellency had no further communication to make to the Senate.

Twelve o'clock, M., the hour fixed for adjournment *sine die*, having arrived, the President addressed the Senate as follows :

SENATORS :—I thank you for the flattering expressions with which you have pleased to compliment my endeavors to preside over your deliberations.

I cannot permit this session to close, or bring myself to pronounce its final adjournment, until I shall have expressed to each and all of you my obligations for the courtesy and indulgence which you have extended to me at all times.

I assumed the duties of President of your honorable body with great distrust and doubts of meeting your just expectations; and if I have, in any manner, succeeded in discharging the duties of the Chair, I feel that it is owing to your kind indulgence upon all occasions.

The many laws that have received your sanction during the session, have all been of a character highly essential to the general welfare of the State at large.

Though demagogues, aided by a press ever too ready to criticise and condemn, have sought to hamper and throw discredit upon your actions by the hackneyed cry of "special legislation," it is gratifying to reflect that you have fully sustained your own dignity, and vindicated the correct judgment of your constituents in placing you in the honorable position which you occupy, by acting as you deemed the varied interests of the people required, regardless of your own convenience, and at the sacrifice of your earnest desire to be relieved from the irksome duties of a protracted session.

The special laws you have passed were evidently demanded by the exigences of the times, and the varied wants of the people you respectively represent; though local in their character, they tend to the more rapid development and improvement of the resources of our youthful but giant State.

The general tone of your deliberations has been dignified, earnest, and patriotic. If, in the warmth of animated debate, some scenes have

occurred, unwise, I can only hope they have left no trace of unkind feeling, but have been forgotten, or buried in the memories of the past.

I trust you have omitted nothing in the way of resolutions, laws, or expressions, which could, in any degree, strengthen and sustain the Government of the United States in this her earnest endeavor to put down the existing conspiracy against the integrity of the Union, and for the maintenance of our most beneficent Government.

Your record pledges the State of California, and stamps upon the history of the age her determination to stand by the American Union to the last, though traitors turn their fratricidal hands against her, and the world should be combined for her destruction.

For the first time in the history of our State, the Senate has been called upon to sit in judgment in a case where a person in high judicial position has been impeached before it. You have carefully examined, and duly weighed, the testimony adduced, and there is every reason to be proud that the honor of the State and the patriotism of the people have been fully vindicated in the just judgment which you have rendered.

It is to be hoped, that before the time comes for us to assemble again, peace and prosperity will bless the Nation. Those Senators whom I expect to meet at our next annual session, have my best wishes for their return in health, after a pleasant and profitable interval; and those with whom this may prove a final parting, my kindest wishes for their future success, prosperity, and happiness.

I now declare this Senate adjourned *sine die*.

Approved.

J. McM. SHAFTER,  
President pro tem. of the Senate

Attest: THOMAS HILL, Secretary of Senate.

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ABBREVIATIONS.—S. B., Senate Bill ; A. B., Assembly Bill ; S. C. R., Senate Concurrent Resolution ; A. C. R., Assembly Concurrent Resolution.



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35	An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to procure Chambers for the Judges of certain Courts. Banks.....	133	154, 187, 194	135	167
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40	An Act granting to certain persons the Right to construct and maintain a Railroad through certain streets in the City and County of San Francisco. Doll.....	135	382, 504	443	
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47	An Act in relation to Public Roads in the County of Amador, and to the Road Fund of said county. Burnell.....	140	231, 250, 310	231	279
48	An Act to authorize Benjamin F. Washington to dispose of certain interests in a House and Lot in San Francisco. Shafter.....	112	197, 214, 231	200	298
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54	An Act to amend an Act entitled an Act amendatory of and supplemental to an Act to provide for the Location and Sale of the Five Hundred Thousand Acres of Land granted to this State for School Purposes, and the Seventy-Two Sections donated to this State for a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine, approved April twenty-second, eighteen hundred and sixty-one. Holden, .....	142	318, 370	268	
55	An Act to grant the Right to construct a Bridge across the Mokelumne River, at a point known as "Big Bar," in Calaveras County, and to construct and maintain a Road from Mokelumne Hill to the Village of Butte, in Amador County, to Louis Soher and others. Lewis .....	142	156, 158, 205, 219, 298, 397	214	298
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57	An Act appropriating Money for the Benefit of certain Orphan Asylums in this State. Banks.....	155	550	434	525
58	An Act creating the Eighteenth Judicial District. Powers .....	155	365, 538		
59	An Act providing for the holding of a Special Term of the District Court in the First Judicial District, in and for the County of San Diego. Bogart.....	155	162, 187	155	179
60	An Act limiting the Time for the Commencement of Actions in Judgments rendered or recorded in any Court of Justice in this State. Crane.....	155	227, 264, 466		
61	An Act to suspend, until the ensuing Session of the Legislature, the Construction of the State Capitol, now in progress of construction in the City of Sacramento. Soule.....	155	274, 284, 384		
62	An Act to amend an Act entitled an Act concerning Agricultural Societies, approved March twelfth, eighteen hundred and fifty-nine. Chamberlain...	157	159, 162, 169, 283	175	221
63	An Act for the Relief of Woodbury D. Sawyer. Irwin .....	157	160, 318, 364, 456 491.	345	455
64	An Act to authorize the Governor of the State of California to convey certain Real Estate. Banks..	157	228, 239, 282, 509	289	459

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66	An Act to grant the Right to construct a Turnpike Road from the Great Bend of the Mojave River, in the County of San Bernardino, through Williamson's Pass, to the Pacific Coast, at or near the Town of Buenaventura, in the County of Santa Barbara. Pacheco.....	161	184, 185, 187, 201, 298	187	279
67	An Act providing for an Attorney and Counsellor for the City and County of San Francisco. Soule.	161	275, 285, 304, 419	323	393
68	An Act to authorize the State Librarian to have repaired certain Books in the State Library. Banks.....	161	234, 274, 307, 320, 343, 397	249	306
69	An Act for the Punishment of Trespasses. Shafter.....	161	210, 223, 254, 388, 432	230	388
70	An Act concerning Chattel Mortgages. Crane.....	161	171, 177, 204, 302	180	
71	An Act to amend an Act entitled an Act to prevent the Trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty-five. Shafter.....	161	400, 569		
72	An Act to exempt certain Property from Taxation. Heacock.....	165	169, 173, 269		
73	An Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act concerning Escheated Estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five. Lewis.....	165	169, 171, 179, 227, 244, 298, 557	239	293
74	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Rhodes.....	165	198		
75	An Act to pay to the County of San Joaquin the Amount expended by said county in Locating Lands in lieu of the Sixteenth and Thirty-Sixth Sections. Chamberlain.....	165	726		
76	An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto. Heacock.....	165	169, 173		
77	An Act to provide for the Erection of a State Prison, at or near the Town of Folsom, in the County of Sacramento. Heacock.....	165	256, 315, 323, 362, 419, 460, 472		
78	An Act to establish a Municipal or Inferior Court in the City and County of San Francisco, to be called the Municipal Civil Court of the City and County of San Francisco. Perkins.....	166	279, 283, 285, 303, 304, 313, 360, 384, 403, 499	396	

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80	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases, passed April twenty-ninth, eighteen hundred and fifty-one. Chamberlain.....	166	255, 269, 302		
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83	An Act to provide for Transcribing certain Records in the Recorder's Office of Sonoma County, pertaining to Lands in Mendocino County. Holden..	168	175, 179	196	
84	An Act to amend an Act entitled an Act supplementary to an Act to prevent the Trespassing of Animals on Private Property, approved March thirty-first, eighteen hundred and fifty-five. Pacheco.....	170	198, 214, 243, 424, 595, 663	249	417
85	An Act concerning Domestic Animals running at large in certain places. Irwin.....	171	399, 400, 569		
86	An Act to transfer Funds. Van Dyke.....	171	197, 234, 303	286	298
87	An Act to provide for the construction of a Railroad and Wharf from a point on the San Joaquin River to the Coal Mines, and a Right of Way for the same. Merritt.....	172	211, 227, 239, 249, 269, 297, 396	290	319
88	An Act to amend an Act entitled an Act to provide for the Reclamation and Segregation of Swamp and Overflowed, and Salt Marsh and Tide Lands, donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one. Heacock.....	174	447, 596		
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93	An Act to provide for a gradually increasing License Tax upon Mongolians in this State. Banks.....	174	242, 249, 267, 314, 344, 384		
94	An Act to provide for the necessary Travelling Expenses of State, and County, and City and County, Officers, in lieu of Mileage. Heacock.....	176	378, 407	537	
95	An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine, and to repeal Section Second of an Act amendatory thereof and supplementary thereto. Parks.....	178	226	178	201
96	An Act for the Relief of the Holders of Stamps heretofore issued for Bills of Lading. Shurtleff.....	178	184, 185, 196, 283	199	225
97	An Act for the Relief of John T. Carey, Treasurer of Klamath County. Van Dyke.....	178	203, 234	214	319
98	An Act authorizing the Persons therein named to lay down Gas Pipes in the City and County of San Francisco. Banks.....	178	361, 423, 490, 533		
99	An Act to provide a War Tax for the Support of the Government of the United States. Denver.....	178	206, 219, 294, 550, 426, 398	209	288
100	An Act to legalize and provide for the Collection of Delinquent Taxes in the County of Solano due to the City of Benicia. Powers.....	179	184, 283	179	208
101	An Act to amend an Act entitled an Act to authorize Married Women to transact Business in their own Names as Sole Traders, passed April twelfth, eighteen hundred and fifty-eight. Crane.....	181	202, 219, 274, 417, 455	236	417
102	An Act to authorize Eugene L. Sullivan, Nathaniel Holland, and John Benson, and their associates and assigns, to lay down Gas Pipes in the County and City of San Francisco. Soule.....	181	443		
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104	An Act concerning the Jurisdiction of Justices' Courts in Criminal Cases, and in Actions respecting Forcible and Unlawful Entries and Detainers, in the County of Butte. Gaskill.....	182	198, 209, 221, 226, 231		
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108	An Act to amend an Act entitled an Act to exempt the Homestead and other Property from Forced Sale in certain cases, passed April twenty-first, eighteen hundred and fifty-seven, and the several Acts amendatory thereto. Banks.....	182	214, 255, 269, 286, 294, 314, 324, 658, 398	568	631
109	An Act to provide for the Construction of a Wharf at a point designated upon the Southerly Bank of the San Joaquin River. Banks.....	185	193, 206, 211, 227, 249, 270, 310, 452	290	411
110	An Act to grant the Right to construct a Bridge across the Mokelumne River, at Middle Bar, to Adam Denzler. Lewis.....	185	184, 185, 226	185	204
111	An Act to grant the Right to construct a Bridge across the Stanislaus River at or near a place known as Byrne's Ferry. Quint.....	185	194, 214, 229	236	
112	An Act to authorize Charles L. Taylor and Henry Williams to lay down Gas Pipes in San Francisco. Shafter.....	184	361, 412		
113	An Act to amend an Act entitled an Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her Real Estate and Chattels Real. Parks.....	185	207, 223, 254, 550	223	510
114	An Act fixing the Salary of the County Judge of Placer County. Harriman.....	185	193, 200, 219, 647	223	613
115	An Act to fix and define certain Terms. Hathaway.....	184	221, 275		
116	An Act to authorize and empower the Controller of State to transfer certain Funds. Irwin.....	185	342, 390		
117	An Act making Appropriation for the Payment of J. C. Doherty, etc. Irwin.....	185	462, 631	534	
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119	An Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain Bonds, etc. Chamberlain.....	193	200, 238, 393, 475	209	393
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124	An Act concerning Apprentices. Banks.....	193	590		
125	An Act to provide for the Execution of Deeds for Pueblo Lands of the City and County of San Francisco. Hathaway.....	199	287, 439, 441		
126	An Act to transfer the Boys and Youth in the State Reform School to the Industrial School at San Francisco, and for the purposes connected therewith. Gallagher.....	199	425, 532		
127	An Act to pay the Board of Managers of the State Institution for the Indigent Deaf, Dumb, and Blind. Craue.....	19	419, 441	214	388
128	An Act in addition to an Act entitled an Act amendatory of an Act to provide for the Incorporation of Colleges, passed April twentieth, eighteen hundred and fifty, approved April thirteenth, eighteen hundred and fifty-five. Shafter.....	199	228, 236, 728		
129	An Act to regulate the Term of Office of County Surveyors. Chamberlain.....	199	206, 221		
130	An Act to establish Pilots and Pilot Regulations for the Port of San Francisco. Banks.....	199	338		
131	An Act to amend an Act entitled an Act to legalize and provide for the Collection of Delinquent Taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one. Doll.....	199	233, 243, 552	289	500
132	An Act to amend an Act entitled an Act to amend an Act entitled an Act prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and fifty, approved February twenty-second, eighteen hundred and sixty-one. Gaskill.....	199	206, 227, 237		
133	An Act to provide for the Pay of Captains who have recruited and raised Companies for the Regiments of Volunteers of this State, under the Requisition of the President of the United States, and who are now actually in the service of the United States, under commission from the Governor of the State. Lewis.....	201	256, 286, 294, 299, 313, 370, 395, 494		
134	An Act to pay the Claims of George E. Drew for services as Surveyor, under the Act annexing a portion of San Joaquin to Stanislaus County, amounting to two thousand two hundred and eighty-four dollars and thirty-three cents. Chamberlain.....	205	218, 231, 275, 294, 310, 341, 492	484	
135	An Act to enable the Mayor and Common Council of the City of Placerville to pay a certain Claim of William J. Lewis against said city. Harvey...	205	221, 235, 264, 396	243	319

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137	An Act to repeal an Act entitled an Act to fix the Compensation of the Tax Collector of the County of El Dorado, and his Deputies, in certain cases, and to legalize certain Orders heretofore made by the Board of Supervisors of said county, and to order the Payment of certain Warrants issued by the County Auditor of said county, approved March second, eighteen hundred and fifty-nine. Denver.....	205	219		
138	An Act to provide for the Transcribing of the Records of Surveys in Sonoma County. Hill.....	205	322	205	
139	An Act to extend the Time for the Collection of Taxes in the Counties of Tulare and Fresno. Baker.....	205	233, 243, 342, 395		
140	An Act in addition to and amendatory of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. Shurtleff.....	205	228		
141	An Act for the Relief of certain Persons who have suffered by the late Floods. De Long.....	205			
142	An Act to provide for the Formation of Corporations for the Accumulation and Investment of Funds and Savings. Banks.....	209	267, 278, 303, 318, 411, 436, 475, 491	278	410
143	An Act to authorize the Sale of Real Estate belonging to the Estate of Henry P. Haun, at private or public sale. De Long.....	208	228, 264, 555	238	466
144	An Act for the Relief of T. McLaughlin. Heacock..	208	218, 230		
145	An Act amendatory of and supplementary to an Act entitled an Act to prescribe the Duties and provide for the Compensation of the several Officers of the County of Butte, approved May fifth, eighteen hundred and sixty-one. Gaskill.....	208	386, 555	481	497
146	An Act providing for the Condemnation of certain Lands in the City and County of Sacramento for public use. Heacock.....	208		520	
147	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State. Doll.....	212	310, 403, 407, 432, 442, 443, 530, 555	290	401
148	An Act to provide for the Collection of Delinquent Taxes in the City of San José. Rhodes.....	212	396	224	298
149	An Act to amend an Act entitled an Act to establish the Salaries of Officers and Pay of Members of the Legislature, passed April twenty-first, eighteen hundred and fifty-six. Soule.....	212	228, 239, 365, 493		

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151	An Act concerning Street Grades in the City and County of San Francisco. Banks.....	212			
152	An Act to transfer certain Funds. Kutz.....	212	288, 294, 304	239	372
153	An Act to authorize James Craig, Guardian of the infant children of Michael Flanigan, deceased, to sell Property in Tuolumne County. Quant.....	212	227, 239, 244, 264, 306	278	359
154	An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April twentieth, eighteen hundred and fifty-two. Holden .....	212	228, 239, 255, 269		
155	An Act to amend an Act entitled an Act to incorporate the Town of Eureka, approved April ninth, eighteen hundred and fifty-nine. Van Dyke .....	212	310	224	265
156	An Act to amend an Act entitled an Act to regulate the Fees of Officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one. Shafter.....	212	370, 399	435	459
157	An Act to provide for Binding of Minors as Apprentices, Clerks, and Servants, by the San Francisco Ladies' Protection and Relief Society. Shafter...	212	341, 346, 407, 682	390	631
158	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. Judiciary Committee.....	198	243, 396	214	319
159	An Act to amend an Act entitled an Act authorizing the Board of Supervisors of Tehama County to remove the Remains from the old Grave Yard in Red Bluffs, to the new Cemetery, and to levy a Tax to pay the cost of the same, passed April eighth, eighteen hundred and sixty-one. Doll....	219	283	236	244
160	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of this State, passed April twenty-ninth, eighteen hundred and fifty, and other Acts amendatory thereof. Van Dyke.....	225	255, 269, 302, 398, 403, 460		
161	An Act to transcribe certain Records in the County of Shasta. Shurtleff.....	225	243, 310	231	279
162	An Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco. Doll..	225	338		
163	An Act to provide for the Construction of a Wagon Road from the Town of Visalia, in Tulare County, across the Sierra Nevada Mountains. Baker.....	225	238, 396	226	319



## SENATE BILLS.

Number.....	T I T L E .	Introduced .....	Further Action	Passed Senate.	Passed Assem- bly.....
164	An Act to amend an Act entitled an Act concerning Corporations. Banks.....	226	255, 293, 411, 452	268	411
165	An Act concerning Roads and Highways in the County of Mariposa. Merritt.....	225	341, 491	291	417
166	An Act to exempt from Taxation the Charitable Institute, and all Seminaries of Learning in the County of Los Angeles. Vineyard.....	231	254, 269, 290	375	
167	An Act to amend an Act entitled an Act to fix the Terms of the County Court and the Court of Sessions of the County of El Dorado, approved April twelfth, eighteen hundred and fifty-nine. Harvey.	232	254, 396, 409	233	167
168	An Act to provide for transcribing certain Records in the Recorder's Office in Napa County, pertaining to Lake County. Holden.....	235	425	242	
169	An Act to locate the County Seat of Stanislaus County. Chamberlain.....	235	264, 169, 419	278	372
170	An Act concerning the Sale of certain School Lands in Tulare County. Committee on Education.....	243	274, 419	243	372
171	An Act to provide for the formation of Associations for the purpose of more effectually Reclaiming the Swamp and Overflowed Lands of this State. Quint.....	240	595		
172	An Act for the Relief of Purchasers of Swamp Lands. Harvey.....	240	263, 274, 279, 290, 310, 550.	340	487
173	An Act to provide for the Incorporation of Canal Companies. Soule.....	241	645, 647, 662, 664, 676, 691.	595	649
174	An Act for the Relief of E. B. Ryan, Assessor of the City and County of Sacramento. Heacock.....	241	243, 282, 552	289	487
175	An Act in relation to the Register of the State Land Office. Hathaway.....	241	280, 294, 297, 360, 452	340	427
176	An Act to amend an Act entitled an Act amendatory of and supplementary to an Act to regulate Proceedings in Criminal Cases, etc. Warmcastle.....	240	247, 268, 472	595	
177	An Act to repeal an Act entitled an Act for the Relief of Purchasers of Real Estate made at Sales by Public Administrators, approved February seventh, eighteen hundred and sixty. Rhodes.....	245	255, 293, 426	268	
178	An Act supplemental to an Act entitled an Act to provide for the Reclamation and Segregation of Swamp and Overflowed Lands, etc., donated to the State by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one. Parks.....	245	263, 278, 314, 324, 491	314	401
179	An Act to amend an Act entitled an Act creating a Board of Commissioners in each township of the several counties of this State, to regulate Water Courses, etc. Parks.....	245	304, 411, 475, 491	290	411

## SENATE BILLS.

Number.....	TITLE.	Introduced .....	Further Action	Passed Senate.	Passed Assembly.....
180	An Act to repeal an Act entitled an Act for the Protection of Actual Settlers, and to quiet Land Titles in this State, approved March twenty-sixth, eighteen hundred and fifty-six. Rhodes.....	245	247, 268, 297	339	500
181	An Act to legalize certain Records in the office of the Recorder of the City and County of San Francisco. Shafter.....	245	366, 443		
182	An Act concerning Hogs running at large in the County of El Dorado. Denver.....	245	274, 419	245	383
183	An Act to authorize the State Treasurer to issue War Bonds to A. W. Bee. Harvey.....	245	450, 520, 692	558	651
184	An Act to authorize the Governor of this State to convey certain Lands. Rhodes.....	248	396	249	320
185	An Act to authorize the Board of Supervisors of Amador County to levy a Special Tax and create a Redemption Fund for the Payment of outstanding Road Warrants in said county. Burnell.....	251	283	252	279
186	An Act concerning State Prison. Banks.....	248	596		
187	An Act for the Relief of W. C. Stokes, C. Covillaud, and the Estate of James Simpson. De Long.....	248	263, 293	268	
188	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Powers.....	248	407		
189	An Act to amend the Civil Practice Act, passed April twenty-ninth, eighteen hundred and fifty-one. Crane.....	248	275, 290		
190	An Act to amend the Civil Practice Act, passed April twenty-ninth, eighteen hundred and fifty-one. Crane .....	248	276, 317, 452	290	427
191	An Act to amend the Civil Practice Act, passed April twenty-ninth, eighteen hundred and fifty-one. Crane .....	248	276, 317, 727	290	721
192	An Act to amend the Civil Practice Act, passed April twenty-ninth, eighteen hundred and fifty-one. Crane .....	248	275, 309, 727	290	721
193	An Act to amend the Civil Practice Act. Crane.....	248	275, 291		
194	An Act relative to the Funding of the Indebtedness of the City of San José. Rhodes.....	248	267, 296, 452	267	359
195	An Act to authorize Mrs. Mary Comstock and her Minor Children to sell their Homestead. Banks..	251	268, 318, 364, 490, 552	345	467
196	An Act authorizing David Saville to lay down Gas Pipes in San Francisco. Soule.....		490		
197	An Act to amend the Civil Practice Act. Rhodes...	251	276, 317, 727	290	721

## SENATE BILLS.

Number.....	TITLE.	Introduced .....	Further Action	Passed Senate..	Passed Assembly.....
198	An Act authorizing Charles S. Capp, Guardian of Albert Dorente, to sell certain Real Estate. Shafter.....	251	268, 292, 452	299	410
199	An Act granting the Right to E. P. Bowman and others to construct a Toll Bridge across the Cosumnes River, etc. Burnell.....	251	264, 293, 388, 427, 475	264	427
200	An Act making an Appropriation for the Claims for Removing the Legislature. Joint Committee on Removal.....	255	257, 297, 509	339	466
201	An Act to amend an Act to authorize Guardians of Minors, Idiots, and Lunatics, to receive and remove from this State any Property to which said Ward may be entitled, approved March thirteenth, eighteen hundred and fifty-eight. Shafter .....	257	274, 290		
202	An Act relative to the office of State Treasurer. Porter.....	257	280, 291		
203	An Act to authorize the Visalia Lodge of Free and Accepted Masons to sell and convey Property. Baker.....	257	275, 297, 419	291	372
204	An Act to authorize the Settlement of the War Debt of the State of California with the Federal Government. Soule.....	257	275, 291		
205	An Act to authorize certain parties to construct and maintain Booms on the Navarro River, in Mendocino County. Holden.....	257	275, 341, 452	291	427
206	An Act for the Relief of William Tillinghast. Shafter.....	257	311, 341		
207	An Act to amend an Act to regulate Proceedings in Civil Cases, passed April twenty-ninth, eighteen hundred and fifty-one. Warmcastle.....	257	275, 291, 305, 727	340	721
208	An Act appropriating Money out of the General Fund for the Relief of Sufferers by the Flood. Nixon.....	257	280, 294		
209	An Act relating to the Interest Tax of Siskiyou County. Oulton.....	266	332	266	279
210	An Act to amend Section Eighty of an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Doll.....	266	365	493	
211	An Act to amend an Act defining the Rights of Husband and Wife. Banks.....	267	397, 658	568	630
212	An Act amendatory of an Act to provide for Funding the Indebtedness of the County of Yuba. Parks.....	267	396, 409	267	359

## SENATE BILLS.

Number.....	TITLE.	Introduced.....	Further Action	Passed Senate.	Passed Assembly.....
213	An Act amendatory of an Act authorizing the County of Yuba to take and subscribe Two Hundred Thousand Dollars to a Railroad Company. Parks.....	267	396	267	359
214	An Act to prevent Non-Residents of this State from Selling Goods without a License. Merritt.....	266	384, 407, 663	473	567
215	An Act to amend an Act to authorize the Construction of certain Wharves. Holden.....	267	287, 294, 425, 532, 559		
216	An Act amendatory of an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-seven. Heacock.....	267	380, 650	460	
217	An Act supplementary to an Act entitled an Act to annex a portion of San Joaquin County to Stanislaus County. Chamberlain.....	266	311, 341, 414, 419, 631, 682	470	630
218	An Act for the Relief of the Contractors upon the foundation and basement walls of the State Capitol Building at Sacramento. Shurtleff.....	267	276, 287, 384, 423, 451, 463, 465, 550	473	593
219	An Act to amend an Act to define the Boundaries and provide for the Organization of Lake County. Holden.....		415, 484		
220	An Act concerning the offices of Sheriff, County Clerk, County Recorder, and Auditor, County Treasurer, County Collector, and County Assessor, for the County of El Dorado; and Constables in the several townships in the said county, and fixing their compensation. Harvey.....	266	434, 491	434	459
221	An Act in relation to the Insane of California. Parks.....	277	558, 568, 577, 604, 649, 728		612
222	An Act concerning Fees of Office in certain cases in the County of Tehama, and to consolidate certain offices. Merritt.....	314	344, 416	314	383
223	An Act to amend Section Twenty-Five of an Act to amend an Act to regulate the Settlement of the Estates of Deceased Persons, passed May eighteenth, eighteen hundred and fifty-one. Warmcastle.....	277	386, 569	568	
224	An Act to appropriate Moneys for the Erection of a Building for the use of the Home for the Care of the Insane. Gallagher.....	277	365, 458, 647	450	583
225	An Act for the Relief of W. J. Paugh, late Sheriff of the County of Amador. Burnell.....	277	310, 344, 441, 452	379	401
226	An Act to amend an Act entitled an Act to regulate Fees in certain counties in this State. Holden.....	277	291, 305, 452	340	427
227	An Act to authorize José Lorenzo de Jesus Maria Piña to sell Real Estate. Holden.....	277	317, 397	291	373



## SENATE BILLS.

Number.....	T I T L E.	Introduced ....	Further Action	Passed Senate.	Passed Assem- bly.....
228	An Act amendatory of an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Merritt.....	277	342, 389		
229	An Act to confirm Possession to Lands in the City and County of San Francisco, held under Ordinance Eight Hundred and Eighty-Two, commonly called the "Van Ness Ordinance," and to grant the interest of the City and County of San Francisco in and to its Pueblo Lands. Shafter.....	277	407, 414, 432, 473, 506, 517, 527, 537	530	
230	An Act to create the office of Commissioner of Agriculture. Vineyard.....	277	365, 400, 569		
231	An Act authorizing the Treasurer of State to employ an additional Clerk. Gaskill.....	284	294		
232	An Act to confer Further Powers upon the Board of Education of the City and County of San Francisco. Hathaway ..	284	617	445	582
233	An Act to grant to the San Francisco and Oakland Railroad Company the Right to construct a Wharf and Slip, in the City and County of San Francisco. Hathaway.....	283	497, 551	557	
234	An Act to authorize John W. North to construct a Marine Railway in the City and County of San Francisco. Soule.....	284	289, 301, 362, 606, 637, 663	340	604
235	An Act in relation to the Board of Supervisors of Butte County. Gaskill.....	284	382, 509	435	477
236	An Act granting to certain persons the Right to establish a Ferry between the Island of Yerba Buena and the City of San Francisco, and to construct a Railroad from said Island to the Alameda County shore. Crane.....	289	298, 340		
237	An Act to authorize Joshua Hendy, H. B. Tichenor, and Robert G. Byxbee, to construct a Wharf at the mouth of the Navarro River, in Mendocino County. Holden.....	289	293, 341, 475	300	427
238	An Act to grant to James H. and Charles J. Deering the Right to construct and maintain a Bridge or Bridges across the Tuolumne River. Quint....	291	292, 452	292	359
239	An Act for the Relief of the Heirs of Abraham De Leurr, deceased. Rhodes.....	291	318, 364, 571	345	500
240	An Act to amend an Act to provide Revenue for the Support of the Government of this State, approved May ninth, eighteen hundred and sixty-one. Denver.....	289	365, 511, 564	494	
241	An Act to appropriate Money for the Relief of Destitute Females in the State of California. Chamberlain.....	289	364, 555,	434	539

## SENATE BILLS.

Number.....	T I T L E .	Introduced .....	Further Action	Passed Senate.	Passed Assembly.....
242	An Act to amend an Act entitled an Act to limit the Term of Leases, approved April twenty-first, eighteen hundred and fifty-one. Crane.....	295	319, 345		
243	An Act to define the boundaries of Sutter County. Parks.....	295			
244	An Act amendatory of an Act entitled an Act to provide for the Location and Sale of the Five Hundred Thousand Acres of Land granted to this State for School Purposes, etc. Chamberlain.....	295			
245	An Act amendatory of and to extend the provisions of an Act to exempt the Homestead from Sale in certain cases, approved April twenty-eighth, eighteen hundred and sixty. Heacock.....	295	318, 345		
246	An Act authorizing Charles H. Brindley, et al., to construct a Turnpike Road in Los Angeles County. De Long.....	293	299, 552	299	466
247	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases. Crane.....	295	318, 345	595	
248	An Act to provide for the Construction of a Wagon Road from Red Bluff to the eastern boundary line of this State, near Honey Lake. Doll.....	295	339, 395, 382, 392, 449, 555	375	459
249	An Act to limit and define the Jurisdiction of Justices of the Peace in the City and County of San Francisco. Perkins .....	295	301, 340, 362, 411		
250	An Act appropriating Money to pay the Claims of James Hawkins and Myron Norton. Crane.....	295	443, 446, 451, 458, 631	465	
251	An Act concerning the Repairs of Levees in the County of Sacramento, and the mode of raising Revenue therefor. Nixon .....	299	362, 385, 482, 489, 498, 511	501	467
252	An Act for the Abolishment of all Laws for the Collection of Debts. Soule.....	299	365, 493		
253	An Act amendatory of an Act supplemental to an Act to regulate the Fire Department of the City of San Francisco. Banks.....	299	311, 491, 692	340	402
254	An Act to authorize Joseph M. Wood to build a Wharf in the City and County of San Francisco. Hathaway .....	299	345, 550	521	539
255	An Act to transfer and legalize certain Records in the County of Mono. Rhodes.....	302	398, 255, 500, 530, 536	482	
256	An Act to pay the Claim of Eugene Lies. Parks...	312	344, 256	312	455
257	An Act relative to the Payment of the Claim of H. C. Stockton by the County of Shasta. Committee on Claims.....	311	345		
258	An Act to enable the Attorney-General to employ a Clerk. Rhodes...	313	452	313	401

## SENATE BILLS.

Number.....	T I T L E .	Introduced .....	Further Action	Passed Senate.	Passed Assem- bly.....
259	An Act to establish Pounds in the County of Santa Clara. Rhodes.....	313	571	313	402
260	An Act concerning the Amendment and Repeal of Statutes. Rhodes.....	313	492	595	
261	An Act to amend an Act amendatory and supplementary to an Act to provide Revenue for the Support of the Government of this State. Shafter.....	312	344, 345, 363, 396	312	273
262	An Act to amend an Act concerning the Officers of Calaveras County. Lewis.....	312	318, 323, 364, 452	345	427
263	An Act to amend certain sections of the Civil Practice Act, passed April twenty-ninth, eighteen hundred and fifty-one. Rhodes.....	313	454, 596		
264	An Act to regulate the Fusion of Joint Stock Associations. Soule.....	312	587		
265	An Act to authorize J. W. Reynolds to dispose of certain Real Estate. Holden.....	313	364	345	
266	An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine certain Claims. Soule.....	312	381, 470, 474, 625	478	593
267	An Act to amend an Act relative to the Incorporation and Management of Railroad Companies. Harvey.....	312	401, 569, 580, 585, 587, 603,	631	650
268	An Act granting certain Privileges to the Citizens of Grass Valley, Nevada County. Watt.....	313	692 388, 393, 452	341	383
269	An Act providing for Coast Defences. Committee on Military Affairs.....	316	420, 474		
270	An Act to provide for taking Private Property for Public Uses in certain cases. Committee on Military Affairs.....	323	323, 345, 475, 600		
271	An Act to authorize the re-issue of a certain Land Warrant, No. fifty-three, in lieu of the original, which has been lost. Parks.....	321	385, 552	470	504
272	An Act amendatory of an Act for the Government and Protection of Indians. Van Dyke.....	321		346	
273	An Act to reincorporate the City of Stockton. Chamberlain.....	321	378, 380, 419, 424	405	436
274	An Act to grant the Right of Way to construct a Toll Bridge across Deer Creek, in Tehama County. Doll.....	321	345		
275	An Act to authorize Philip G. Galpin, Guardian, to compromise Claims and convey certain Real Estate. Hathaway.....	321	381, 417, 509	481	504

## SENATE BILLS.

Number.....	TITLE.	Introduced .....	Further Action	Passed Senate.	Passed Assembly.....
276	An Act concerning Melodeons and other Places of Public Amusement. Banks.....	321	341, 346, 425, 555, 550, 556, 560	351	
277	An Act to amend an Act entitled an Act to provide for the Sale and Reclamation of Swamp and Overflowed Lands. Crane.....	321	596		
278	An Act relative to the Construction and Maintenance of a Bridge across the American River. Denver..	321	452	345	383
279	An Act relating to the City Cemetery of the City of Sacramento. Hancock.....	324	362, 388, 505, 492	324	383
280	An Act to create the County of Alturas. Kimball.....	321	378, 445, 472		
281	An Act to grant to H. J. May, Charles M. Baxter, William Kohl, and others whom they may associate with them, and their assigns, the Right to lay a Railroad Track along certain streets in Petaluma. Hill.....	321	342, 344, 550	395	500
282	An Act amendatory of an Act for the Protection of Game, passed May thirteenth, eighteen hundred and fifty-four. De Long.....	321	344, 371, 435	418	
283	An Act to amend an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco. Committee on Commerce and Navigation.....	339	389, 403, 412	420	
284	An Act concerning Passengers arriving in the different Ports of this State. Banks.....	312	343, 423, 437, 568, 614	451	567
285	An Act to amend an Act relative to Weirs, etc., obstructing the run of Salmon. Shafter.....	342	370, 506		
286	An Act for the Protection of Harbors. Perkins.....	342	367, 500	495	
287	An Act to provide for the Purchase of Three Hundred Copies of Labatt's Digest. Doil.....	343	367, 446, 450, 605	446	
288	An Act relative to the Incorporation of the City of Sonoma. Hill .....	343	375, 402, 569	395	567
289	An Act to amend an Act to provide Revenue for the Support of the Government of this State. Holden.	343	365, 493		
290	An Act to repeal certain Acts, under the authority of which a large amount of Moneys are obtained by Politicians, and used by them to sustain Party against the Public Good. Soule.....	342			
291	An Act to pay the Costs in the Prosecution of the State against Horace Smith. Committee on Claims.	338	390, 519, 660		
292	An Act to pay the Claim of Paul R. Hunt. Shafter.....	342	365, 455, 650	444	
293	An Act to grant the Right to construct a Bridge across the Pajaro River. Porter.....	358	361, 397, 409	375	383



## SENATE BILLS.

Number.....	TITLE.	Introduced.....	Further Action	Passed Senate.	Passed Assembly.....
294	An Act to authorize Eugene L. Sullivan to lay down Gas Pipes in the City of San Francisco. Soule.....	361	489, 536, 566, 608	535, 560	601
295	An Act to amend an Act to regulate Fees of Office in the County of Yuba. De Long.....	362	466, 471, 663	466	567
296	An Act to authorize the Board of Supervisors of Yuba County to levy a Special Tax, and to create a Current Fund, for County Purposes. De Long.....	362	466		
297	An Act to amend an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one. De Long.....	362	528		
298	An Act regulating Fees of Office in certain cases. Perkins.....	367	508, 671		
299	An Act to exempt from Sale the Property of Persons in the United States Army and Navy. Gallagher.....	367	595		
300	An Act to authorize the Fusion of certain Joint Stock Companies therein named. Soule.....	367	482, 511, 559, 566, 586	575	
301	An Act for the Relief of Dr. Paul d'Heirry, for Services as Surgeon of the State Prison. Committee on Claims.....	366	455, 444, 647	465	631
302	An Act for the Relief of Martha Buckelew. Porter.....	368	380, 406		
303	An Act to create a Contingent Fund for the County of Contra Costa. Warmcastle.....	368		444	629
304	An Act to provide for the Construction of Street Railways in the City and County of San Francisco. Banks.....	368	444, 534, 538, 555	551	
305	An Act relative to Trial Jurors in the Court of Sessions of certain counties of this State. Holden.....	368	458, 552	444	448
306	An Act to appropriate certain Funds. Gaskill.....	368	458, 571	444	487
307	An Act to amend an Act authorizing the Administrators of the Estate of G. A. Grant, deceased, to sell Real Estate at private sale. Soule.....	367	381, 459, 632	481	650
308	An Act authorizing Marcella Borjorgay Lopez to sell and convey the Interest of her Minor Children in certain Real Estate. Shafter.....	368	381, 478, 692		
309	An Act relative to Fees of Office in the City and County of San Francisco. Shafter.....	367	381, 445		
310	An Act to authorize Henry Owens to construct a Marine Railway in the City and County of San Francisco. Bogart.....	367	575	485	563
311	An Act concerning the Duties of the County Treasurer of San Diego County. Bogart.....	367	602, 608, 609, 613, 614, 663	593	583

## SENATE BILLS.

Number.....	TITLE.	Introduced .....	Further Action	Passed Senate.	Passed Assembly.....
312	An Act to authorize the Controller of State to employ an additional Clerk. Chamberlain.....	368	407, 419, 554, 608	615	
313	An Act for the Regulation of the Telegraph, and Secrecy and Fidelity in the Transmission of Dispatches. Craun.....	375	380, 584	434	476
314	An Act relative to the Funding of the Outstanding Indebtedness of Mariposa County. Merritt.....	375	392, 427, 428, 552	375	427
315	An Act relative to Public Roads in the County of El Dorado. Harvey.....	375	452	375	401
316	An Act to authorize T. Willingham to sell certain Real Estate. Quint.....	375	381, 470, 474, 478		
317	An Act to amend an Act to fix the Terms of the District Court in the County of Mono. Quint.....	379	402	379	401
318	An Act to amend an Act entitled an Act to incorporate the City of San José, passed March sixteenth, eighteen hundred and fifty-nine. Rhodes.....	378	452	378	401
319	An Act relative to Retaining the Hides of Cattle killed in San Mateo. Hathaway.....	378	452	379	401
320	An Act to amend an Act concerning Jurors, passed May third, eighteen hundred and fifty-two. Holden.....	368	455	445	
321	An Act to authorize William Sherman, Administrator of George S. Steere, to sell Real Estate. Hathaway.....	379	458, 682	445	613
322	An Act amendatory of an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State. Hancock.....	379	454		
323	An Act to amend an Act entitled an Act concerning Conveyances, passed April sixteenth, eighteen hundred and fifty. Rhodes.....	379	386	568	630
324	An Act to grant the Right of Way to construct a Toll Bridge across Bear River, to certain parties therein named. Harriman.....	379	392, 492, 552, 631	482	524
325	An Act for the Relief of S. H. Brooks, late Controller of State. De Long.....	378	406, 484		
326	An Act to amend an Act entitled an Act to provide for the Obtainment, Preservation, and Distribution of Vaccine Matter, approved May twenty-seventh, eighteen hundred and fifty-two. Oulton.....	379	406, 569		
327	An Act to provide for the issuance of Land Patents for certain Lands in this State. De Long.....	390	528		
328	An Act to provide for the Payment of Expenses incurred in the Prosecution of Claims of this State before Congress for the Suppression of Indian Hostilities. Van Dyke.....	389			

## SENATE BILLS.

Number.....	TITLE.	Introduced .....	Further Action	Passed Senate.	Passed Assembly.....
329	An Act to make County Warrants receivable in Payment of Taxes in Tulare County. Baker.....	389	430, 498, 571	483	524
330	An Act fixing the Salary of the County Auditor of Tulare County. Baker.....	389	407, 491, 571	483	523
331	An Act to provide for the Increase of the Pay of California Volunteers. Porter.....	389			
332	An Act granting the Right to construct a Street Railroad in the City of San Francisco. Hathaway.....	389	455, 530, 559, 596		
333	An Act relative to a Township Road from the Town of Murphy's, in Calaveras County, to the eastern boundary of the State of California. Lewis...	389	397, 461, 475	435	467
334	An Act concerning Hogs found running at large in Tulare County. Baker.....	389	398, 490, 534	483	523
335	An Act to provide for the Organization of the County of Coso. Baker.....	389	391, 392, 414, 484		
336	An Act concerning Mileage. Committee on Finance.....		554	537	
337	An Act to create the County of Chico, to define its Boundaries, and provide for its Organization. Irwin.....	393	414, 418, 424		
338	An Act amendatory of and supplementary to an Act entitled an Act to provide for the Construction of Canals, and for Draining and Reclaiming certain Swamp and Overflowed Land in Tulare Valley, passed April eleventh, eighteen hundred and fifty-seven. Baker.....	394	447, 451, 465, 474, 499, 509, 511		
339	An Act to incorporate the City of Sacramento. Heacock.....	389	407	389	
340	An Act to provide for the Construction of a Wagon Road, commencing at Antelope Springs, in the County of Amador, and running thence, by the Safford Survey, to Hope Valley, on the Eastern Slope of the Sierra Nevada Mountains. Burnell.....	394	438, 571	416	467
341	An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the Construction and Maintenance of an Electro-Magnetic Fire-Alarm Telegraph for said city and county. Banks.....	394	428, 535		
342	An Act granting to James R. Vineyard and his assigns, the Right to construct and maintain a Toll Bridge across the Yuba River, near Parks' Bar, in Yuba County. Merritt.....	393	400, 475	400	449
343	An Act proposing Amendments to the Constitution of the State of California. Rhodes.....	394	505, 642, 646, 649, 692	506	630

## SENATE BILLS.

Number.....	TITLE.	Introduced.....	Further Action	Passed Senate.	Passed Assembly. Bill.....
344	An Act to provide for the Payment of the Salary of the County Judge of Sacramento County. Hancock.....	405	417	405	436
345	An Act to provide for the Redemption of Bonds issued for Expenses incurred in the Suppression of Indian Hostilities in certain counties of this State. Parks.....	405	424, 461, 511	460	504
346	An Act supplementary to an Act concerning Lawful Fences, approved April seventh, eighteen hundred and thirty-five. Committee on Agriculture.....	399	569, 574, 585		
347	An Act to pay certain Warrants of the City of Sacramento, herein mentioned. Hancock.....	405	492, 646	482	
348	An Act to authorize the Register of the State Land Office to issue Duplicate Certificates of Purchase to School or Swamp Lands, where the originals have been lost or destroyed. Hancock.....	405	428, 439, 550	482	521
349	An Act to authorize the Administrator of the Estate of Minerva E. Haun, deceased, to sell and dispose of Real Estate and Chattels Real of said estate. De Long.....	405		481	
350	An Act to amend an Act entitled an Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine. Harvey.....	405	419, 420, 552	405	487
351	An Act amendatory of and supplementary to an Act to create the County of Mono, define its Boundaries, and provide for its Organization. Quinn.....	405	409, 485, 567		
352	An Act to authorize John Rutherford and George E. Webber to construct a Railroad and Railroad Wharf in the County of Mendocino. Soule.....	405	407, 492, 727	483	721
353	An Act to authorize the Board of Supervisors of San Francisco to alter the Grade of certain Streets. Smith.....	394			
354	An Act to authorize and empower Attorneys at Law to administer Oaths in certain cases. Merritt.....	412	430, 569		
355	An Act making Appropriations for the Support of the Civil Government of this State for the Fourteenth Fiscal Year, commencing on the first day of July, eighteen hundred and sixty-two, and ending on the thirtieth day of June, eighteen hundred and sixty-three. Perkins.....	413	448, 492	434	
356	An Act to cede certain territory of the State of California to the Territory of Nevada. Parks.....	413	485, 517, 523, 527, 535, 559		
357	An Act granting the Right to construct and maintain a Bridge across the South Fork of the American River, at or near Salmon Falls, in the County of El Dorado. Denver.....	413	433, 552	418	476



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358	An Act appropriating Money to pay the Claim of Eugene Lies for Translating State Documents. Committee on Claims.....	483	492, 614	483	604
359	An Act to amend an Act authorizing the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities. Shurtled.	413	454, 596, 600, 682	603	649
360	An Act to alter and define the Northern Boundary of Tehama County. Doll.....	413	430, 532		
361	An Act amendatory of an Act for the Government of State Prison Convicts. Porter.....	413	425, 595		
362	An Act to provide for the Establishment, Maintenance, and Protection of Public and Private Roads in the County of Santa Cruz. Porter.....	413			
363	An Act to Change the Name of James Fitzpatrick. Banks.....	413	425, 532		
364	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Banks.....	413	664		
365	An Act to amend an Act concerning Coroners, passed April nineteenth, eighteen hundred and fifty. Merritt.....	413	430	595	651
366	An Act relative to the Establishment and Protection of Public and Private Roads in Santa Cruz County. Porter.....	413	555	470	487
367	An Act relative to the Grade of certain Streets in the City and County of San Francisco. Shafter...	417			
368	An Act to authorize the Executrix and Executor of the Estate of John Frye, deceased, to sell the Real Estate of said deceased at private sale. Burnell.....	417	433, 571	417	477
369	An Act to create the Office of State Microscopographer. Chamberlain.....	417	570		
370	An Act to prevent the Adulteration of Food and Liquors. Hill.....	417	663	570	593
371	An Act concerning the Locating and Patenting of Swamp and Overflowed Lands. Rhodes.....	417	663	420	613
372	An Act for the Collection of Taxes on Consigned Goods. Denver.....	417	430, 580, 641, 642, 644	445	581
373	An Act to pay the Claim of Charles S. Fairfax. Lewis.....	417	550	432	
374	An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and sixty-one. Powers.....	429	586		

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Number.....	T I T L E	Introduced .....	Further Action	Passed Senate.....	Passed Assembly.....
375	An Act for the Encouragement of Agriculture. Porter.....	429	470, 580		
376	An Act concerning the Redemption of County and City Bonds. Rhodes.....	429	691	585	664
377	An Act to provide for the Collection of Taxes on Personal Property in the City and County of San Francisco. Shafter.....	429	569, 658	435, 570	604
378	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases, passed April twenty-ninth, eighteen hundred and fifty-one. Crane.....	429	454, 727	596	721
379	An Act providing for the Issue of Bonds for the Federal War Tax of eighteen hundred and sixty-one and eighteen hundred and sixty-two. Porter.	429	472, 473, 535		
380	An Act to amend an Act authorizing the Guardians of certain Minors to sell Real Estate and Chattels Real. Warmcastle.....	428	533		
381	An Act to amend an Act entitled an Act concerning Courts of Justice and Judicial Officers. Warmcastle .....	428	472, 599	597	
382	An Act to amend an Act to regulate Proceedings in Civil Cases, approved April twenty-ninth, eighteen hundred and fifty-one. Rhodes.....	429	454	596	
383	An Act to amend an Act for the raising of Revenue for the Support of the Government of this State. Doll.....	428			
384	An Act to tax Foreign Insurance Companies doing business in this State. Doll.....	428	471, 552	472	
385	An Act amendatory of an Act providing Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Rhodes.....	428			
386	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases, passed April ninth, eighteen hundred and sixty-one. Banks.....	428	454, 596		
387	An Act to appropriate Money to the Ladies' Relief Society of San Francisco. Shafter.....	428			539
388	An Act to grant the Right to construct a Turnpike Road between the Town of Grass Valley, in the County of Nevada, and Bear River, near McCourtney's Crossing. Watt .....	428	455, 485, 567, 605	483	567
389	An Act for the Payment of S. G. Whipple in Enrolling Volunteers. Van Dyke .....	428	463, 499, 524		
390	An Act to amend an Act to regulate Proceedings in Civil Cases in the Courts of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Rhodes.....	442	454, 596		

## SENATE BILLS.

Number.....	T I T L E .	Introduced .....	Further Action	Passed Senate.	Passed Assembly.....
391	An Act to amend an Act to regulate the Settlement of the Estates of Deceased Persons. Shafter.....	442	472, 600		
392	An Act fixing the Salaries of the Governor's Private Secretary and of the Clerk in the Executive Department. Perkins.....	446	647	585	650
393	An Act to authorize the Board of Supervisors of Contra Costa County to audit and allow the Claim of W. R. Barber, and to levy a Special Tax. Warmcastle.....	453	571	535	562
394	An Act to grant the Right to construct a Turnpike Road from the Town of La Porte, in Sierra County, to the Eastern Boundary Line of this State. Kimball.....	453	663	454	604
395	An Act to amend an Act concerning Public Ferries and Toll Bridges. Banks.....	456	462, 471, 550	462	500
396	An Act to provide for the Care of the Indigent Sick of Tehama County, and to levy a Tax therefor. Doll.....	456	491	456	468
397	An Act to grant the Right of Way to construct a Toll Bridge across Bear River, at or near McCourtney's Crossing, in the Counties of Nevada and Placer. Watt.....	456	571	456	476
398	An Act to transfer certain Funds. Irwin.....	456	457		
399	An Act concerning Records in certain cases. Rhodes.....	460	528		
400	An Act supplemental to an Act entitled an Act to provide for the Formation of Corporations. Hill..	460	495, 601, 607		
401	An Act to authorize and empower José Lorenzo de Jesus Maria Piña, a Minor, to dispose of his interest in certain Real Estate. Holden.....	459	571	401	477
402	An Act to provide for the Payment of certain Claims against the City of Sacramento. Heacock.....	461		461	
403	An Act to audit and allow the Claim of T. J. A. Chambers. Committee on Claims.....	507	614	507	593
404	An Act in relation to Public Streets in the City of Sacramento. Nixon.....	469		469	582
405	An Act to regulate Artesian Wells in Santa Clara County. Rhodes.....	469	552	469	477
406	An Act to provide Revenue for the Support of the Government of this State, from Collateral Inheritances. Banks.....	469			
407	An Act relative to a Board of Examiners. Rhodes.	469	508		
408	An Act to establish a State Normal School. Banks.	469	615, 632		

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Number.....	TITLE.	Introduced ...	Further Action	Passed Senate	Passed Assembly
409	An Act for the Purchase of three hundred copies of Lasswell's Digest. Merritt.....	469	533		
410	An Act to extend the Time for the Completion of the California Northern Railroad. Gaskill.....	478	611	520	567
411	An Act to make certain offices of Tuolumne County Salaried Offices. Quint.....	478	497, 553, 647	547	
412	An Act to authorize the County Auditor of the Counties of Mono, Tuolumne, Stanislaus, and Mariposa, to issue certain Bonds. Quint.....	478	493, 507, 512, 526, 605	518	539
413	An Act for the Payment of the Printing of the City and County of San Francisco. Banks.....	478	567	518	
414	An Act to authorize and empower Manuel Torres to build a Boom on the Navarro River. Pacheco.	478	728		
415	An Act to provide for the Government of the Com- mon Schools in the City of Sacramento. Heacock.	487	616	464	603
416	An Act authorizing Adam Muirhead, Executor of the Estate of J. Muirhead, to sell Real Estate. Banks.	487	528	559	
417	An Act concerning Sheriffs. Crane.....	487	600		
418	An Act amendatory of and supplementary to an Act to repeal the several Charters of the City of San Francisco. Shurtleff.....	533			
419	An Act to define the meaning of certain Terms used in the Revenue Laws of this State. Dell.....	581		581	
420	An Act to repeal an Act to regulate Fees of certain Officers in Calaveras County. Lewis.....	490	555, 605	534	
421	An Act to provide for procuring Testimony in certain cases. Heacock.....	490		607	
422	An Act making Appropriations for Deficiencies for the Thirtieth Fiscal Year, etc. Warrington.....	498	507, 511	498	506
423	An Act to authorize the Board of Managers of the Industrial School Department of the City of San Francisco to grant and convey to the San Fran- cisco and San José Railroad Company the Right of Way across land belonging to said Industrial School Department. Banks.....	498	555, 605	555	567
424	An Act granting certain Lands to the United States. Banks.....	498	503, 692	601	664
425	An Act to authorize G. W. Frink to construct and maintain a Wharf in San Francisco. Shurtleff...	501	511, 598, 508, 581, 592		
426	An Act to fix the Times of holding the Terms of the District Court of the Seventh Judicial District, in Solano County. Powers.....	501	602	599	
427	An Act to regulate the Settlement of the Estates of Deceased Persons. Rhodes.....	498	503	633	



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Number.....	T I T L E .	Introduced .....	Further Action	Passed Senate.	Passed Assem- bly.....
428	An Act to amend an Act entitled an Act defining the Time for Commencing Civil Actions. Rhodes.....	505	508, 659, 725	517	650
429	An Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the Claim of Robert Nixon. Oulton.....	507	552	507	539
430	An Act declaring Feather River Navigable. Parks..	507	509, 530, 538		
431	An Act in relation to the Mountain Lake Water Company. Perkins.....	505			
432	An Act concerning the office of the Surveyor-General. Holden.....	505	528, 692	586	650
433	An Act for the Purchase of certain Vines, and to provide for the Distribution of the same. Vineyard..	502	558, 570		
434	An Act to amend an Act concerning Descents and Distributions. Rhodes.....	501	528, 726	633	721
435	An Act to extend to Klamath County the Provisions of an Act Restricting the Herding of Sheep, etc. Committee on Agriculture.....	511		558	
436	An Act to appropriate a sum of Money to prosecute the Rights of the State in Escheated Cases. Lewis.....	518	528		
437	An Act to define the Meaning of certain Terms used in the Revenue Laws of this State. Denver.....	519	529	519	539
438	An Act to authorize and require the Board of Supervisors of Alameda County to pay certain Claims. Holden.....	518	614	518	604
439	An Act to amend an Act to extend the Provisions of an Act concerning Hogs found Running at Large in certain Counties of this State. Bartlett.....	518	571, 625	518	
440	An Act to change the Name of Meyer Ciechanowicki. Banks .....	520	552	520	539
441	An Act to provide for the Submission of the Proposed Amendments to the Constitution of this State, as proposed and passed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, to the People. Oulton.....	525	528, 585, 597	529	583
442	An Act amendatory of an Act, passed May eighteenth, eighteen hundred and sixty-one, entitled an Act concerning Roads and Highways in the County of Sacramento. Hencock .....	530	692	530	649
443	An Act Prohibiting White Persons from Cohabiting with Negroes, Indians, and Mongolians. Holden.				
444	An Act to provide for the Issuing Arms and Accoutrements to Colleges and Academies, for the Use of the Students. Rhodes .....	542	663	542	582

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Number.....	TITLE.	Introduced.....	Further Action	Passed Senate.	Passed Assembly.....
445	An Act providing for Times of holding Terms of Court in the Sixteenth Judicial District. Lewis...	568	591, 605	568	583
446	An Act supplementary to an Act to change the Time for holding Municipal Elections in the City and County of San Francisco. Soule.....	568	663	568	583
447	An Act for the Appointment of an Inspector and Gauger for San Francisco.....		650		
448	An Act to legalize the Assessment of Taxes in the City of Oakland. Crane.....	584	647	584	606
449	An Act to provide for the Filing of a list of the Lands claimed by the State under the provisions of various Acts of Congress making donations to the State. Parks.....	581	659	581	650
450	An Act creating the Offices of Township Assessors and Collectors in El Dorado County. Denver.....	587	616, 684	595	603
451	An Act to provide for the Construction and Maintenance of an Iron Railroad from the New Landing, near the Town of Sonoma, along certain streets in said town, and public roads in the County of Sonoma. Hill.....	587	599, 600	587	
452	An Act in relation to the New Helvetia Cemetery at Sacramento. Nixon.....	587		587	
453	An Act to fix the Terms of the Court of Sessions, Probate Court, and County Court of Contra Costa County. Warmcastle.....	587	647	587	606
454	An Act relative to the Thirteenth Judicial District of this State. Merritt.....	587	647	587	
455	An Act to legalize and confirm a certain Instrument recorded in the County Recorder's Office of the City and County of San Francisco, and to authorize Obed Alley Palmer, as Attorney, to convey certain Lands. Harvey.....	594	603, 682	601	650
456	An Act to authorize Rita de la Osa to sell certain Real Estate. Vineyard.....	594	602	608	613
457	An Act to authorize the Tax Collector of Calaveras County to retain a certain per centage of all Taxes collected by him. Lewis.....	594			
458	An Act in relation to Controller of State. Denver..	603			
459	An Act amendatory of an Act concerning the construction of Levees in the County of Sacramento, approved April ninth, eighteen hundred and sixty-two. Heacock.....	608		608	613
460	An Act to empower M. G. Vallejo to sell certain Real Estate. Pacheco.....		663		649
461	An Act to repeal an Act, approved April tenth, eighteen hundred and sixty-two, entitled an Act				

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462	An Act to authorize and empower the Administratrix of L. R. Beckley to sell and convey certain Real Estate. Merritt.....	631	692	631	650
464	An Act to authorize the Board of Supervisors of the County of Yuba to issue Bonds of said County to California Central Railroad Company. De Long..	646	726	646	685
465	An Act conferring Further Powers on the Board of Supervisors of San Francisco. Banks.....		682		
466	An Act amendatory of and supplementary to an Act concerning Salaries, etc., in Monterey County, ap- proved April nineteenth, eighteen hundred and sixty two. Porter.....	658	682		664
467	An Act to provide for the Removal of the Furniture, Books, and Stationery, to the Capitol at Sacra- mento. Parks.....	673	686, 722, 727		721
468	An Act concerning the office of County Clerk of the City and County of San Francisco. Banks.....	684	727	684	690
469	An Act to grant the Right of Way to construct a Bridge across Bear River, and to repeal a certain Act. Watt .....	681	723	684	721
470	An Act relating to the Levying of Taxes. Rhodes.	688	727	688	690
471	An Act making Appropriation for a Contingent Fund of the Senate. Denver.....	689	722, 727	689	722
472	An Act to provide for the Payment of the Rent of the Building known as the Merchants' Exchange. Denver.....	689	722, 727	689	721
473	An Act amendatory of and supplementary to an Act entitled an Act to provide Revenue for the Sup- port of the Government of this State, from a Tax upon Foreign and Inland Bills, Passengers, Insu- rance Companies, and other matters, approved April fifteenth, eighteen hundred and sixty-two. Denver.....	690	595, 726	690	721
474	An Act to appropriate Money to pay the Expenses incurred in the trial of the Impeachment Case of J. H. Hardy. Committee on Claims.....	691	727	691	721
475	An Act to amend an Act in relation to the Board of Supervisors of the County of Butte. Gaskill.....	691	726	691	721
476	An Act to amend an Act entitled an Act amendatory of an Act entitled an Act authorizing the Treas- urer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities, etc. Baker.....	456			

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2	Relative to Fireman. Denver.....	20
3	Relative to extra Porter. Heacock.....	30
4	Relative to the Appointment of a Committee to wait on Governor and Lieutenant-Governor elect. Perkins.....	96
5	Relative to Mail Service between San Francisco and Crescent City. Van Dyke...	29
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7	Relative to Meeting in Joint Convention to assist at the Inauguration of the Governor and Lieutenant-Governor elect. Warmcastle.....	97
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9	Relative to Adjournment to San Francisco. Porter.....	104
10	Relative to Adjournment to January twenty-first Van Dyke.....	111
11	Relative to Memorializing Congress to create a new Collection District in the northern part of this State. Van Dyke.....	120
12	Relative to Indian Spoiliations. Van Dyke.....	122
13	Relative to the erection of a Flag Staff on the Capitol Building. Holden.....	130
14	Relative to giving Notice to the Secretary of the Treasury of the Intention of the State of California to assume and collect the Direct Tax. Perkins.....	135
15	Relative to Locating certain Sections of Public Land. Holden.....	136
16	Relative to Mail Route to China and Japan. Banks.....	136
17	Relative to Printing Reports of State Officers. Joint Committee on Printing.....	140
18	Relative to the "Alcalde Grant" Bill. Banks.....	155
19	Relative to Index to Journals. Banks.....	155
20	Relative to Indian Affairs. Van Dyke.....	161
21	Relative to asking Congress to extend certain Laws, relative to the Protection of Indians, to California. Shafter.....	161
22	Relative to Examining Proposals for Translating Laws. Pacheco.....	167
23	Relative to Sustaining the Federal Government. Crane.....	172
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31	Relative to Mineral Lands. Gallagher.....	209
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40	Relative to the Militia of the State. Van Dyke.....	249
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61	Relative to Fireman and Porter. Porter.....	637
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64	Relative to General Scott. Williamson.....	671
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10	An Act supplementary to an Act conferring Further Powers upon the Board of Supervisors of the City and County of San Francisco, approved April twenty-third, eighteen hundred and fifty-eight. Tilton.....	135			
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13	An Act to grant to certain Persons therein named the Right of Way for a Railroad Track, and to construct and maintain a Railroad within the Corporate Limits of the City and County of San Francisco, and to run Cars thereon. Fagan.....	110	431		
14	An Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the Estate of Albert Cutler, deceased, to sell Real Estate at Private Sale, approved February eleventh, eighteen hundred and sixty-one. Macken.....	110	179, 188, 196, 239, 253	199	234
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21	An Act to provide for the Levying and Collection of Special Road Tax in the County of San Mateo. Tilton of San Mateo.....	141	147, 165, 579	147	
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Number.....	T I T L E.	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.
27	An Act to amend an Act entitled an Act to amend an Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, approved May twentieth, eighteen hundred and sixty-one. Dudley of Placer.....	163	245, 313, 326, 609, 629, 692	329	606
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32	An Act to provide for the Inspection and Sealing of Gas Meters, and for the Protection of Consumers of Illuminating Gas. Tilton of San Francisco....	165	178, 188, 731		
33	An Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one. Hillyer.....	166	196, 199, 213, 263		
34	An Act concerning Roads and Streets in the Town of Auburn. Hillyer.....	173	188, 196, 255, 275	199	246
35	An Act to authorize the Contra Costa Coal Mining and Railroad Company to use any suitable description of Rails. Porter.....	172	189, 199		
36	An Act to authorize Lewis E. Morgan, his Associates, or Assigns, to construct and maintain a Wharf in Contra Costa County. Porter.....	172	210, 295, 325, 355, 524, 597	391	506
37	An Act concerning the Swamp, Overflowed, and Marsh Lands on the Encinal of San Antonio. Bell.....	172	421, 433, 688		
38	An Act to authorize the Administrator of the Estate of Joseph B. Wells to sell Real Estate at Private Sale. Fay.....	172	167, 231, 232, 291, 325		
39	An Act to modify the Grade of Second Street, in the City and County of San Francisco. Fay.....	172			
40	An Act for the Relief of William P. Sayward. Tilton of San Francisco.....	172	301, 341, 392, 405, 577, 632	403	579
41	An Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow Money for Municipal Improvements. Morrison.....	172	174, 196, 239, 253	182	210

Number.....	TITLE.	Introduced ....	Further Action	Passed Assembly.....	Passed Senate..
42	An Act to repeal an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act to prevent the Trespassing of Animals upon Private Property, approved March thirty-first, A. D. eighteen hundred and fifty-five, so far as the same applies to the County of Los Angeles. Morrison.....	172	356, 639	400	
43	An Act to authorize the Corporation of the City of Los Angeles to fund the Debt of said City. Morrison.....	172	243, 253	174	210
44	An Act supplementary to an Act to incorporate the City of Los Angeles. Morrison.....	172	239, 253	174	210
45	An Act to authorize the Guardian of certain Minor Children to convey their Real Estate. Morrison..	172	245, 270, 284, 486, 596	320	449
46	An Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to the Act of March thirty-first, eighteen hundred and fifty-seven, supplementary thereto, and to extend their provisions to other counties herein named. Dana.....	173	232, 240, 251, 442, 518	263	
47	An Act to grant to Joseph Brunning the Privilege to build a Wharf on the Sacramento River, on his Land, below Rio Vista. Dudley of Solano.....	173	231		
48	An Act for the Purchase and Preservation of Public Newspapers, printed and published in the several counties of this State. O'Brien .....	177	201, 212, 224, 499, 535	234	475
49	An Act repealing an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a Special Tax, approved March eleventh, eighteen hundred and fifty-six, approved February seventh, eighteen hundred and fifty-six, and to provide for the Transfer of certain Moneys to the General Fund of said County. Yule.....	181	220	229	
50	An Act to quiet Titles to Real Estate in the City and County of San Francisco. Fay.....	181			
51	An Act to amend an Act entitled an Act for the Observance of the Sabbath. Van Zandt.....	181	315, 490		
52	An Act to appropriate Moneys to Colleges in the State of California. Eagar.....	181	250, 429		
53	An Act to amend an Act entitled an Act for the Preservation and Protection of Trout. Smith of Sierra.....	181	188		
54	An Act supplementary to an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one. Cot.....	181	196, 224, 203, 302, 317	235	296

Number.....	T I T L E .	Introduced .....	Further Action	Passed Assem- bly.....	Passed Senate..
55	An Act amendatory of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Maclay.....	182	259, 301		
56	An Act to amend an Act entitled an Act to make certain Offices in the County of Tuolumne Salaried Offices, approved February twenty-first, eighteen hundred and sixty-one. Kendall.....	186	192, 196, 255, 275	199	246
57	An Act to amend an Act entitled an Act in relation to the Militia of this State. Moore.....	186	273, 336		
58	An Act to protect the Creditors of Corporations. Machin.....	186	231, 240, 336		
59	An Act to authorize the Benicia Cemetery Association to close certain Streets and Alleys. Dudley of Solano.....	186	192, 196, 239, 253	199	221
60	An Act to authorize the State Librarian to have certain Books in the State Library repaired. Warwick.....	186	430, 688		
61	An Act making Appropriations for the Payment of Boatmen employed by the Sergeant-at-Arms of the Assembly during the Flood in the City of Sacramento, January, A. D. eighteen hundred and sixty-two. Ferguson.....	188	192, 196, 246	192	
62	An Act to establish Pilot Regulations for the Port and Harbor of San Francisco. Amerige.....	186	430, 511, 512, 534, 608		
63	An Act authorizing the Construction of a Wharf in the City and County of San Francisco. Fay.....	186	706, 732, 734		
64	An Act to regulate Elections, and to prevent Illegal Voting. Reed.....	192	194, 505		
65	An Act to tax the Chinese Residents of this State. Sears.....	192			
66	An Act to grant the Right to construct a Bridge, or Bridges, across the Stanislaus River, to the Stanislaus Bridge and Ferry Company. Committee on Roads and Highways.....	189	198, 200, 209, 220, 255, 275	213	246
67	An Act to authorize and empower William H. Kelly to construct and maintain Booms on Gaspar Creek, in Mendocino County. Ames.....	192	315, 338, 355, 525, 598	506	
68	An Act for the Better Protection of Farmers, and for regulating the Herding of Stock. Saul.....	194	210, 223, 368, 414, 441, 509	469	
69	An Act to authorize the Board of Supervisors of Colusa County to levy a Special Tax in said county, creating a Contingent Fund. Thompson of Tehama.....	194	239, 253	199	202
70	An Act amendatory of and supplemental to an Act to regulate Proceedings in Civil Cases in the Courts				

Number.....	T I T L E.	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.
	of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto. Shannon.....	194			
71	An Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto. Hoffman .....	197	327, 338, 355, 639	362	
72	An Act concerning Mining Associations and Companies. Committee on Mines and Mining Interests.	195	209, 224, 337	234	
73	An Act to authorize Horace Cole, and his Associates, to construct a Way over Waters in the City and County of San Francisco. Wright.....	198	325, 328, 362, 379, 386, 633	418	580
74	An Act in relation to Public Roads in the County of El Dorado, and to the Road Fund of said county. Dennis .....	198	224, 279, 285	203	260
75	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May ninth, eighteen hundred and sixty-one. Bigelow.....	198	337, 339, 350, 484, 491, 524, 597	361	484
76	An Act to prohibit Actions to Recover Possession of Real Property by virtue of Spanish or Mexican Grants, until after a final Confirmation of the Boundaries of such Grant by the proper authorities of the United States. Brown .....	198	212, 245, 273, 287, 294, 334, 587	334	
77	An Act to provide Revenue for the Support of the Government of this State, from a Tax upon Foreign and Inland Bills, Passengers, Insurance Companies, and other matters. Bigelow.....	198	339, 350, 484, 491, 524, 611	361	484
78	An Act concerning the Organization of the Militia. Maclay.....	198	274		
79	An Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May nineteenth, A. D. eighteen hundred and fifty-three. Thompson of San Joaquin.....	198	245, 252, 254, 499		
80	An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes, for the year eighteen hundred and sixty-two. Smith of Sierra.....	198	201, 212, 216, 255, 275	223	246
81	An Act changing the Time for Meeting of the Board of Supervisors in the County of Sierra. Smith of Sierra.....	198	201, 212, 216, 255, 275	223	246
82	An Act amendatory of and supplemental to an Act entitled an Act concerning the Courts of Justice in this State, and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three, approved April nineteenth, eighteen hundred and fifty-six. Yule.....	198	204, 212		



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	T I T L E.	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.
83	An Act to provide for the Reclamation of Swamp and Overflowed Lands of this State by the Construction of Levees, Canals, etc., and the Employment of Convict Labor. Morrison.....	203	408, 454, 456		
84	An Act amendatory of an Act entitled an Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty. Yule.....	202	505, 709, 716, 733	727	
85	An Act making an Appropriation for the Payment of the Claim of J. C. Doherty, for Services and Sundries furnished the Assembly, Seventh Session. Benton.....	203	272, 324		
86	An Act for the Relief of the Tax Payers of Mendocino County. Ames.....	203	212, 215, 223, 224, 229, 357	229	
87	An Act to extend and define the Duties of the Owners of Public Ferries, Toll Bridges, and Toll Roads in this State. Hoag.....	203	243, 270, 300		
88	An Act to authorize the Board of Supervisors in and for Sutter County to levy a Special Tax for the Repair of the Court House in said county. Wilcox.....	203	212, 216, 253, 305	223	246
89	An Act amendatory of an Act entitled an Act for Securing Liens to Mechanics, passed March eighteenth, eighteen hundred and fifty-seven. Avery..	203			
90	An Act to authorize the Board of Supervisors of Solano County to levy an additional Road Tax. Dudley of Solano.....	203	219, 279, 317	229	260
91	An Act to authorize the Parties therein named to construct and maintain a Wharf. Dudley of Solano .....	207	273, 320, 327, 472, 525, 598	339	506
92	An Act to fix the Terms of the different Courts in the County of San Mateo. Tilton of San Mateo..	207	212, 224, 279, 317	235	269
93	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Maclay.....	207	430, 475		
94	An Act concerning certain Salaries and Fees of Office in the County of Monterey. Cot.....	207	231, 240, 251, 582, 612, 643	263	579
95	An Act authorizing B. B. Lee, Guardian of certain Minors, to sell and dispose of their Real Estate. Morrison .....	207			
96	An Act to authorize the Governor of the State to reside and keep his Office in the City of San Francisco during the Thirteenth Session of the Legislature of the year eighteen hundred and sixty-two, and to fix his Place of Residence and Office thereafter. Dudley of Placer.....	207	226, 240	235	

Number	TITLE.	Introduced	Further Action	Passed Assembly	Passed Senate.
97	An Act to authorize Joseph B. Price, and his Associates, to construct and maintain a Turnpike Road from Cloverdale to Sanel, and to charge and collect Toll for travel thereon. Ames.....	207	311, 335, 340, 405, 442, 518	392	435
98	An Act concerning Publications in Yolo County. Hoag .....	211	223		
99	An Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth. Hoag.....	211	259, 307, 321, 416, 586, 643	335	578
100	An Act to amend an Act entitled an Act to regulate Fees of Office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty-one. Watson.....	211	342, 302, 417, 577, 633	459	554
101	An Act to authorize the Board of Supervisors of the County of Contra Costa to transfer Surplus Moneys remaining in the Gilman Judgment Fund of the said county. Porter .....	211	258, 321, 356, 357, 369	307	357
102	An Act to authorize the Levy of a special Property and Poll Tax in the County of Contra Costa, for the Establishment and Maintenance of Roads and Bridges. Porter .....	211	219, 233, 277, 291, 317	229	269
103	An Act to create the County of Chico, to define its Boundaries, and to provide for its Organization. Cunnard.....	221	282, 283, 313		
104	An Act in relation to Public Roads in the County of Calaveras, and to the Road Fund of said County. Campbell .....	222	356, 375, 551, 596	356	506
105	An Act to authorize the Administrator of the Estate of Francis Tribon, deceased, to sell Real Estate at Public or Private Sale. Benton .....	222	290, 334, 341, 525, 596	391	506
106	An Act to authorize the United States and the State of California to occupy Lands for certain purposes for a term of years. Dudley of Placer.....	222			
107	An Act creating the Eighteenth Judicial District of this State, and providing for the Holding of Courts therein. Reed.....	222	328, 376	282	
108	An Act to provide for a Railroad within the City and County of San Francisco. Bigelow.....	222	565, 566, 582, 605, 652, 692	589	640
109	An Act concerning the State Reform School, and the Industrial School of the City and County of San Francisco, and the Industrial School Department. Wilcox.....	222	429, 652		
110	An Act conferring Further Powers upon the Trustees of the City of Benicia. Teegarden.....	222	429, 663, 683, 708	652	669
111	An Act to authorize the Executors of the Will of John Wilson, late of San Luis Obispo County, deceased, to Sell Personal Property to pay Debts, discharge the Current Expenses attendant upon				

Number.....	T I T L E .	Introduced .....	Further Action	Passed Assembly.....	Passed Senate..
	the Administration of his Estate, and to support Testator's Family. Shannon.....	222	420, 438, 453	421	434
112	An Act amendatory of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State. Warwick.....	222	245, 307		
113	An Act concerning the State Reform School, providing for the Removal of the same, and for other purposes. Teegarden.....	222	429, 652		
114	An Act creating a Branch Insane Asylum of California. Teegarden.....	222	326		
115	An Act for the Construction and Maintenance of a Wharf in Contra Costa County. Porter.....	222	225, 240, 251, 297, 310, 369	263	296
116	An Act amendatory of and supplemental to an Act amendatory of and supplemental to an Act entitled an Act to provide for the Location and Sale of the Five Hundred Thousand Acres of Land granted to this State for School Purposes, and the Seventy-Two Sections donated to this State for the Use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and an Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine, and an Act amendatory thereof, approved April twenty-second, eighteen hundred and sixty-one. Morrison.....	222	364, 418		
117	An Act to amend an Act amendatory of an Act to exempt the Homestead and other Property from Forced Sale in certain cases, approved April twenty-fourth, one thousand eight hundred and sixty-one. Saul.....	222	265, 266, 319, 327, 587	339	
118	An Act to provide for the Payment of the Direct Tax apportioned to and assessed upon the State of California, by an Act passed by the Thirty-Seventh Congress of the United States of America, and approved on the fifth day of August, eighteen hundred and sixty-one. Barton of Sacramento.....	227	267, 270	279	227
119	An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a Special Tax, approved March eleventh, eighteen hundred and fifty-six, approved February seventh, eighteen hundred and fifty-seven. Placer Delegation.....	220	233, 310, 369		295
120	An Act to amend an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Bell.....	229			
121	An Act to provide for Public Administrators in the Counties of Del Norte and Klamath. Wright.....	228	240, 251, 357, 369	263	344
122	An Act to authorize the Board of Supervisors of Calaveras County to issue Bonds in a Sum not to ex-				

Number.....	TITLE.	Introduced .....	Further Action	Passed Assembly .....	Passed Senate .....
	cost Six Thousand Dollars, and to dispose of the same for Road Purposes. O'Brien.....	228	303, 350, 360	311	
123	An Act relative to the Office of Superintendent of Common Schools in the County of Tuolumne. Kendall.....	228	240, 247, 250, 258, 284, 314, 360	276	300
124	An Act to prevent certain Animals from Running at Large in Napa City. Evey.....	228	307, 321, 507, 524, 598	347	506
125	An Act to authorize the Construction and Maintenance of a Wharf on the Sacramento River, in the County of Solano. (Substitute for Nos. 22 and 47.) Committee on Commerce and Navigation.....	231	240, 251, 258, 310, 360	263	299
126	An Act to authorize County Judges to hold Terms of the County Court, Court of Sessions, and Probate Court, in any county of this State. Porter.....	234	245, 263, 268, 307		
127	An Act amendatory of an Act entitled an Act to authorize the Location of the Town Site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine. Wright.....	234	325, 351, 399, 524, 552, 598	389	524
128	An Act making the Office of County Treasurer of Trinity County a Salaried Office. Matthews.....	234	240, 251, 358, 378, 428	263	357
129	An Act instituting the University of the State of California. Maclay.....	231	642		
130	An Act providing for the Better Protection of the Records of the Supreme Court. Benton.....	240	245, 633		
131	An Act to provide for the Submission of the Proposed Amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, to the Votes of the Qualified Electors at the next General Election. Bell..	242	249		
132	An Act for the Improvement of the Water Front of the City and County of San Francisco, and for the Accommodation of the Shipping and Commerce of the Port of San Francisco. Ames.....	247	249, 354, 389, 386, 389, 499		
133	An Act to provide for the Appointment of Notaries Public, and defining their Duties. Worthington..	247	265, 319, 327, 638, 692	377	623
134	An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Santa Barbara, approved the eighteenth day of May, eighteen hundred and sixty-one. Dana.....	247	249, 263, 268	307	
135	An Act for the Protection of Growing Timber on Possessory Claims, and other Private Property, in this State, and on or along Public Streets or Highways, and on Public Grounds. Morrison.....	247	307, 315, 385, 509, 592, 612, 643	490	591
136	An Act amendatory of and supplementary to an Act defining the Senatorial and Assembly Districts of this State, and apportioning the Representatives thereof. Orr.....	247			



Number.....	T I T L E .	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.
137	An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Foreable Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty. Amerige.....	247	328, 379, 623, 628, 693	362	623
138	An Act to amend an Act entitled an Act to define the Duties and Liabilities of Pawnbrokers and Pledgces, approved April seventeenth, eighteen hundred and sixty-one. Van Zandt.....	247	302		
139	An Act authorizing Charles G. Shipman, his Associates and Assigns, to lay down Gas Pipes in the City and County of San Francisco. Tilton.....	253			
140	An Act to authorize P. C. Lander, and his Associates and Assigns, to build a Wharf at Point Avizadero, in the City and County of San Francisco. Tilton.	253	131, 678, 697, 734	690	728
141	An Act for the Encouragement of the Importation and Raising of Blood and Thoroughbred Stock. Moore.....	253			
142	An Act for the Relief of George W. Nexsen. Kendall.....	253	274, 493	307	
143	An Act amendatory of the Act to regulate Proceedings in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Eagar.....	254	259, 307		
144	An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April tenth, eighteen hundred and fifty. Fay.....	254	259, 363, 399, 404, 413, 416, 424, 670	470	
145	An Act to amend Section Three Hundred and Ninety-Four of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-eighth, eighteen hundred and fifty-one, as amended by an Act entitled an Act amendatory of and supplementary to the Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed May fifteenth, eighteen hundred and fifty-four. Fay.....	254	259, 326, 362, 363, 399, 470, 479	637	
146	An Act concerning the Government of the City of Marysville. Teegarden.....	254	259, 284, 291, 317	277	296
147	An Act providing for the Construction of a Public Road, from Petaluma to Bloomfield, in Sonoma County. Reed.....	254	267, 327, 370, 389, 390, 424, 432	307	370
148	An Act to extend the provisions of an Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine. Seaton.....	254	309, 350, 369	297	344

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	T I T L E .	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.....
149	An Act in relation to Liens of Mechanics and others. Dore.....	262	397, 422, 436, 477, 672, 693	454	657
150	An Act to amend an Act entitled an Act to establish, regulate, and support Common Schools, passed May third, eighteen hundred and fifty-five. Brown .....	262	379, 419, 432, 683, 708	458	647
151	An Act to grant the Right to construct a Turnpike Road, between the Town of Sonora, in Tuolumne County, and the Town of Aurora, in Mono County. Machin.....	262	267, 301, 321	391	
152	An Act to regulate the Interest of Money. Fay.....	262			
153	An Act to appropriate Money to sustain a Mounted Battery of Artillery in the City and County of San Francisco. Reeve.....	262	408, 468, 581, 606, 609, 616, 667, 693.	458	579
154	An Act to establish the Lines and Grades of Streets in the City and County of San Francisco. Battles.....	262	410, 485, 555, 558, 579, 582, 634, 672, 693	458	553
155	An Act concerning Husband and Wife permanently Separated by reason of settlement and residence in this State. Benton.....	262	472		
156	An Act to provide for the Election of a Board of Supervisors in the County of San Mateo. Tilton of San Mateo .....	262	302, 317	291	295
157	An Act to amend an Act entitled an Act to provide for the Incorporation of Railroad Companies, and the Management of the Affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one. Machin.....	262	319, 327, 631, 635, 641, 649, 669, 695, 751	347	265, 631
158	An Act supplementary to an Act entitled an Act to legalize Grants and Sales made by the Ayuntamiento of the Pueblo and by the Mayor and Common Council of the City of Santa Barbara, of Lands belonging to said pueblo and city, approved May fourteenth, eighteen hundred and sixty-one. Dana.....	262	421, 459, 477, 683, 709	637	670
159	An Act to annex the County of Contra Costa to the Fourth Judicial District. Porter.....	262	291, 325, 341, 424, 452	347	435
160	An Act to provide for the Reading of the Farewell Address of George Washington in the Public Schools of this State. Bell.....	262	290, 325		
161	Proposed Amendments to the Constitution. Barton of Sacramento.....	262	328, 377, 384, 414		
162	An Act to submit the question of the Removal of the County Seat of Yolo County to the qualified Voters thereof. Hoag.....	270	272, 294, 310, 328, 369	291	300
163	An Act to authorize the Guardian of Stephen C. Powell to sell and convey certain Real Estate. Bigelow .....	270	338, 350, 471, 479, 596		449

Number.....	TITLE.	Introduced .....	Further Action	Passed Assem- bly.....	Passed Senate.
164	An Act to authorize the Guardian of Francis W. Grimes to sell and convey certain Real Estate. Bigelow .....	270	351, 393		
165	An Act for the Relief of W. D. Shirley and others. Dennis .....	270	321, 356 357, 369	300	
166	An Act concerning Roads and Highways in the County of Siskiyou. Irwin .....	270	378, 410	297	370
167	An Act to provide for the Adoption of Washington's Farewell Address as a Text Book for the reading classes in the Public Schools of this State. Porter.	270	290, 325		
168	An Act to fix the Compensation of the County Judge of Nevada County. Avery.....	270	322, 376, 507, 525,	353	506
169	An Act in relation to the Militia of the State. Collins.....	272	598 383, 394, 455, 514, 590, 692	469	513
170	An Act amendatory of and supplementary to an Act for the Preservation of Trout. Dean.....	246	284, 424, 453	320	397
171	An Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one. Hillyer.....	247	284, 639	324	
172	An Act amendatory of an Act entitled an Act for the Observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one. Benton .....	273	353, 486, 489, 509, 573, 574		
173	An Act amendatory of an Act for the Observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one. Orr.....	273	490		
174	An Act amendatory of an Act, passed February nineteenth, eighteen hundred and fifty-one, concerning Attorneys and Counsellors at Law. Benton.....	276	420, 459		
175	An Act to authorize Priscilla H. Denham to sell certain Real Estate belonging to her Minor Children. Worthington.....	276	364		
176	An Act to authorize the Trustees of the Stockton Rural Cemetery to remove Human Remains from Graveyards in the City of Stockton, and vicinity. Meyers. ....	276	341, 479, 535	324	449
177	An Act to amend an Act, approved May eleventh, eighteen hundred and sixty-one, entitled an Act to provide Revenue for the Support of the Government of this State. Collins.....	276	328, 384, 479		
178	An Act amendatory of Section Two of an Act in relation to Common Schools in this State, approved April twenty-sixth, eighteen hundred and fifty. Parker.....	276	481, 729	705	

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced.....	Further Action	Passed Assembly.....	Passed Senate.....
179	An Act concerning the Salary and Fees of the Coroner of the City and County of San Francisco. Tilton of San Francisco.....	286	341, 452, 390, 534	321	449
180	An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate the sum of Thirteen Hundred Dollars to Volunteer Engine Company, Number Seven, of said city and county. Tilton of San Francisco.....	286	322, 354, 341, 344, 390, 401, 410	354	389
181	An Act to amend an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one. Leach.....	286	295, 325, 341, 424, 452	394	411
182	An Act to provide for the Election of Supervisors in the County of Napa. Shannon.....	286	327, 436, 457, 535	324	434
183	An Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado Wagon Road for a term of years. Dean.....	286	322, 354, 376, 466, 512, 597	441	466, 728
184	An Act to prohibit the Game of "Props." Jackson.....	286	321		
185	An Act to grant the Right to construct a Railroad from Aurora, in Mono County, to Walker River, to certain parties therein named. Kendall.....	286	409, 458, 644		
186	An Act to amend an Act entitled an Act to amend an Act concerning Jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one. Machin.....	286	324, 355, 524, 552, 598	391	524
187	An Act to provide for the Issuance of Bonds, upon which to raise Money for the Payment of the quota of Federal Tax apportioned to this State, on or before the first day of June, eight hundred and sixty-two. Torgarten.....	286			
188	An Act to provide means to pay the Indebtedness of Del Norte to Klamath County. Wright.....	286	327, 379, 552, 598	369	506
189	An Act to appropriate Money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis. Morrison.....	286	387, 406, 460, 698		
190	An Act to authorize the Administrator of the Estate of Daniel B. Masby, deceased, to sell and convey Real Estate. Morrison.....	286	290, 325, 332, 499, 596		449
191	An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto. Seaton.....	286	364, 418	348	
192	An Act to provide Money for School Purposes, etc., in the City of Sacramento. Barton of Sacramento.....	287			



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.
193	An Act concerning Fees of certain Officers of the City and County of Sacramento. Barton of Sacramento.....	286	363, 418, 440, 703, 706, 751	673	702
194	An Act making appropriation for the Payment of the Per Diem and Mileage of Presidential Elector. Ferguson.....	286	310, 338, 360, 580, 603, 691	400	579
195	An Act to take the Sense of the People of the State for and against a Sunday Law. Yule.....	286	386, 406		
196	An Act concerning Hogs running at large in the County of Solano. Dudley of Solano.....	287	324, 341, 525, 598	391	506
197	An Act amendatory of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and the Acts supplementary thereto and amendatory thereof. Amery.....	287			
198	An Act to regulate Fees for Printing Legal Notices. Bell.....	297			
199	An Act amendatory of and supplementary to an Act to provide for the Construction of a Macadamized Road within the limits of the City and County of San Francisco, which became a law on the twelfth day of April, eighteen hundred and sixty-one. Fay.....	297	312, 355, 457, 596	335	450
200	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Eagar.....	297	624		
201	An Act to protect Free White Labor against Competition with Chinese Coolie Labor, and to discourage the Immigration of the Chinese into the State of California. Irwin.....	297	386, 415, 439, 440, 447, 582, 628, 693	475	578
202	An Act to prohibit Mining by the Chinese, or Mongolians, on Lands in this State, occupied by white persons for Agricultural or Grazing Purposes. Yule.....	298	614		
203	An Act to pay the Claim of W. P. Mitchner. Barton of Sacramento.....	298	305, 321, 355, 440, 452	348	450
204	An Act for the Erection of Guide-Boards at Road Crossings. Sears.....	298			
205	An Act to provide for the Election of a Superintendent of Common Schools in the County of San Mateo. Tilton of San Mateo.....	298	334, 341, 424, 453	391	435
206	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved April thirtieth, eighteen hundred and sixty. Dudley of Placer.....	2 8			

Number.....	T I T L E.	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.
207	An Act to legalize the Assessment of Taxes made in the County of Yolo, for the Fiscal Year ending on the first day of March, eighteen hundred and sixty-two. Hoag.....	298	328, 377, 384, 426, 457, 638, 693	480	630
208	An Act Legalizing Roads in Tuolumne County. Machin.....	298	303, 341, 525, 598	335	506
209	An Act supplementary to and amendatory of an Act to provide for the Formation of Corporations for certain purposes, passed April thirteenth, eighteen hundred and fifty-three. Shannon .....	298	336, 351		311
210	An Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning the Indigent Sick in the County of Placer, approved April twenty-seventh, eighteen hundred and fifty-seven; approved May second, eighteen hundred and sixty-one; and to revive a former Act. Dudley of Placer.....	298	303, 355, 555, 563, 632	335	534
211	An Act to district the County of Tuolumne into Supervisor Districts. Machin .....	298	337, 384, 506, 525, 597	378	
212	An Act authorizing Jacob H. Tewksbury and his associates to build a Wharf in Contra Costa County. Porter.....	298	379, 419, 438, 499, 535		451
213	An Act to authorize William O'Connell and John Fay, and their assigns, to build a Wharf at or near Slaughter-House Point, in Contra Costa County, now in the possession of William O'Connell. Porter .....	298	350, 404, 500, 535	392	449
214	An Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain Claims to Real Estate, and to convey such Real Estate pursuant thereto. Bigelow .....	299	368, 392, 417, 583, 586, 598	399	577
215	An Act appropriating Money for the Erection of a Building in the City of San Francisco, to be used as a house for the Care of the Inebriate. Orr.....	298	537, 544, 558, 613		
216	An Act to amend the Charter of the City of Petaluma. Reed .....	299	316, 355, 499, 535	338	440
217	An Act concerning Public Roads and Highways in the County of Monterey. Cot .....	306	340, 417, 499, 535	392	483
218	An Act to authorize and empower Frederick Brown to construct and maintain Booms and Piers on Garcia Creek, in the County of Mendocino. Ames.	306	341, 396, 405, 551, 599	391	506
219	An Act to amend an Act entitled an Act to amend an Act to regulate the Estates of Deceased Persons, passed May first, eighteen hundred and sixty-one. Reese .....	306	364, 415, 440, 607		
220	An Act to authorize the Issuance of a Patent to Maurice J. Dooley for certain Lands in San Joaquin County. Meyers.....	305	321, 376, 631, 667, 693	354	630

Number.....	T I T L E.	Introduced ....	Further Action	Passed Assembly.....	Passed Senate..
221	An Act to legalize the Assessment Roll of the City of Los Angeles for the Fiscal Year commencing May, eighteen hundred and sixty, and for other purposes. Morrison.....	306	316, 338, 360, 512, 597	400	449
222	An Act amendatory of an Act entitled an Act defining the Time of Commencing Civil Actions, approved April twenty-second, eighteen hundred and fifty. Yule.....	305	351, 398, 457		
223	An Act to provide for the Payment of Two Hundred Dollars to each of the six Locating Agents of the State of California. Morrison.....	306	515, 607, 671, 683, 695, 708	683	670
224	An Act relative to certain Outstanding Warrants of Tulumne County. Kendall.....	306	342, 405, 424, 453	392	435
225	An Act to regulate the Proceedings of the Board of Supervisors for the County of San Diego, and to define their Duties. Hoffman .....	312	316, 632	338	553
226	An Act concerning the Duties of the Treasurer of the County of San Diego. Hoffman.....	312	316, 338		
227	An Act to amend an Act entitled an Act to establish, regulate, and support Common Schools, passed May third, eighteen hundred and fifty-five, approved March twenty-seventh, eighteen hundred and fifty seven. Moore.....	312	365, 415		
228	An Act to authorize John A. Cardinell, and his Associates and Assigns, to lay down Water Pipes in the streets of the City and County of San Francisco. Amerige.....	312			
229	An Act to regulate the Fees of Officers in the County of Sonoma. Reed.....	317	338, 360, 484, 525, 597	400	483
230	An Act to amend an Act entitled an Act to regulate the Fees of certain Officers, and Witnesses, and Jurors, in the County of El Dorado, approved April nineteenth, eighteen hundred and fifty-nine. Frazier.....	317	338, 360	400	
231	An Act to amend an Act Regulating Marriages, passed April twenty-second, eighteen hundred and fifty. Macley .....	317	386, 418, 425, 438, 666, 693	469	647
232	An Act to change the Name of Anna Eliza Weir. Avery.....	317	321, 376, 551, 598	354	
233	An Act amendatory of an Act entitled an Act relative to the Issuance of Certificates to Exempt Firemen within the State, approved May twentieth, eighteen hundred and sixty-one. Brown...	318	339, 386, 406, 424, 672, 693	458	640
234	An Act authorizing William H. Dickson, J. E. Clayton, and J. W. Pugh, and their associates, to construct and maintain a Toll Road in the County of Mono. Machin.....	318	366, 425, 454, 618	414	449

Number.....	TITLE.	Introduced ....	Further Action	Passed Assembly.....	Passed Senate.
235	An Act amendatory of and supplementary to an Act to create the County of Mono, to define its Boundaries, and provide for its Organization, approved April twenty-fourth, eighteen hundred and sixty-one. Machin.....	318			
236	An Act to amend an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State. Bell.....	318			
237	An Act amendatory of an Act entitled an Act for the Erection of a Building for a State Reform School, and for the Regulation of the same, approved April eighteenth, eighteen hundred and sixty. Teegarden.....	318	368, 429, 652		
238	An Act to give further Powers to the Board of Supervisors of the City and County of San Francisco. Dore.....	318	396, 468, 563, 632	442	553
239	An Act concerning Salaries of certain County Officers in the County of San Diego. Hoffman.....	332	455	511	
240	An Act to confer further Powers upon the Board of Supervisors of the City and County of San Francisco. Dore.....	318	396, 468, 582, 606, 609, 616, 626, 638, 694	442	578
241	An Act to provide for the Collection of the Taxes on Personal Property in the City and County of San Francisco. Dore.....	318			
242	An Act supplementary to and amendatory of an Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one. Dore.....	318	473, 687	677	
243	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Dore.....	318	509	668	
244	An Act to amend an Act entitled an Act relating to the Rights and Duties of Landlords and Tenants, approved May eighteenth, eighteen hundred and sixty-one. Tilton of San Francisco.....	318			
245	An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax, and to provide for building a Bridge, in said county, approved April fifteenth, eighteen hundred and sixty-one, and to dispose of the Fund accumulated under said Act. O'Brien..	327	342, 360, 471, 597	342	449
246	An Act to regulate the Fees of the County Surveyor of Napa County. Ames.....	323	367, 417, 506, 551, 598	400, 459	
247	An Act to amend an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Wright.....	323	755		



Number.....	T I T L E .	Introduced .....	Further Action	Passed Assembly.....	Passed Senate..
248	An Act to authorize the Board of Supervisors of Klamath County to levy a Special Tax to create a Redemption Fund for the Payment of County Indebtedness. Wright.....	323	361, 507, 510, 551, 598	349	506
249	An Act amendatory of and supplementary to an Act entitled an Act amendatory of an Act entitled an Act for the Protection and Government of Indians, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty. Maclay.....	323			
250	An Act supplementary to and amendatory of an Act entitled an Act to authorize the formation of Corporations for the Construction of Plank or Turnpike Roads, passed May twelfth, eighteen hundred and fifty-three, approved April twenty-eighth, eighteen hundred and fifty-seven. Sargent.....	324	330, 341, 578	330	
251	An Act to provide for the Construction of a Turnpike Road in Mono County. Orr.....	323	366, 424, 507	414	
252	An Act concerning the Foundation of Academies, and their support by the counties in which they are located. Orr.....	323	481		
253	An Act to amend an Act amendatory of and supplementary to an Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same, approved April twenty-eighth, eighteen hundred and sixty. Barton.....	332	423, 455, 468	600	
254	An Act to license Gaming and Gaming Houses. Dennis .....	332	499, 530, 573, 575, 581, 607	558	
255	An Act amendatory of an Act entitled an Act Prescribing Rules for the Government of the State Library. Dennis.....	332	408, 458, 479, 618	511	
256	An Act to authorize Catharine Meyers, Administratrix of the Estate of Christopher Meyers, deceased, to dispose of Real Estate at Public or Private Sale. Shannon.....	332	384, 512, 597	377	483
257	An Act to amend an Act entitled an Act to repeal the several Acts Incorporating the City of Benicia, and to provide for the Government thereof, approved April eighteenth, eighteen hundred and fifty-nine. Dudley of Solano.....	332	391, 417, 552, 598	459	524
257½	An Act concerning Salaries of certain County Officers in the County of San Diego. Hoffman.....	332	377, 433	433	
258	An Act to amend an Act, approved March fourth, eighteen hundred and sixty-one, entitled an Act to amend an Act to incorporate the City of Monterey. Cot.....	332	364, 377, 384, 577, 632	426	579
259	An Act to establish the Boundary Line between the Counties of Monterey and San Luis Obispo. Cot.....	332	393, 615		

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	T I T L E.	Introduced.....	Further Action	Passed Assembly.....	Passed Senate..
260	An Act to incorporate the City of Sonora. Machin.....	332	366, 425, 551, 598	413	513
261	An Act to organize Townships, and define their Powers and Duties. Fay.....	338	473, 509, 671, 727, 749, 753	485	670
262	An Act in relation to the Militia of this State. Hill- yer.....	338	395		
263	An Act to authorize the Construction of a Wagon Road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in the County of San Bernardino. Barton of San Bernardino.	338	340, 417, 512, 599	392	483
264	An Act concerning Trade Marks. Griswold.....	338	364, 440, 647	418	
265	An Act for the Repeal of an Act, approved May seven- teenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act entitled an Act to provide for the Collection of Delinquent Taxes in the County of San Bernardino. Barton of San Bernardino.....	338	526, 612, 643	526	605
266	An Act to provide for the Maintenance and Gov- ernment of the State Prison of this State. Camp- bell.....	346			
267	An Act to authorize Feliciano Girado de Tapia to sell the Real Estate of her deceased husband. Watson.	345	614, 677	672	
268	An Act concerning the office of District Attorney of Los Angeles County. Watson.....	345	541, 586, 632	527	579
269	An Act to provide for Paying certain Demands issued on the Faith and Credit of the State, which be- came Due and Payable on the second day of May, eighteen hundred and sixty-two, and to contract a Funded Debt for that purpose. Morrison.....	343	366, 393, 421, 527, 537, 584, 600, 604, 627, 644	627	
270	An Act to provide for Arranging and Indexing the Papers in the Office of the Secretary of State. Shannon.....	345	386, 413	406	
271	An Act regulating Actions affecting Title or Posses- sion of Real Estate. Hoag.....	345			
272	An Act to authorize Robert G. Arthur, his Associates or Assigns, to construct and keep in repair certain Roads upon the San Miguel Rancho, and adjoining Property, in the City and County of San Fran- cisco, and to levy and collect Tolls thereon. Til- ton of San Francisco.....	346	457, 563, 632	431	553
273	An Act in relation to Lands in the City and County of San Francisco. Worthington.....	346			
274	An Act to quiet Land Titles in the City and County of San Francisco. Worthington.....	346			

Number.....	T I T L E .	Introduced....	Further Action	Passed Assembly.....	Passed Senate..
275	An Act to authorize the County of Placer to loan its Credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of One Hundred Thousand Dollars. Hillyer.....	346	379, 407, 486, 535	400	451
276	An Act to provide for the Survey of Placer County. Yule .....	346			
277	An Act to direct and empower the Supervisors of Alameda and Contra Costa Counties to pay for the Opening, Grading, and Building of a certain Road, between the two Counties. Bell.....	358	432, 492, 563, 611	459	554
278	An Act to exclude Traitors and Alien Enemies from Courts of Justice in Civil Cases. Bell.....	358	365, 414		
279	An Act to provide for Funding the Indebtedness of the County of Mendocino. Amcs.....	358	421, 580, 612, 643, 679	421	579
280	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Seaton.....	359	402, 471, 597	407	451
281	An Act to extend an Act entitled an Act to grant the Right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Amador, approved April fifth, eighteen hundred and sixty-one. Seaton.....	359	404, 424, 441		
282	An Act for the Better Protection of Farmers in certain portions of Sacramento County, and for regulating the Herding of Stock within the same. Saul.....	359	409, 422, 436, 438, 467, 631, 647, 692	423	630
283	An Act to appropriate Money to pay the Claim of Philip Cadue, for Coal furnished the Supreme Court and State Library in the year eighteen hundred and sixty. Saul.....	359	393, 441, 468, 739, 752	469	608, 728
284	An Act to provide for the Payment, by Alameda County, of a portion of the Interest paid by Contra Costa County on the Claim of T. C. Gilman. Porter.....	359	363, 448, 672, 693	628	660
285	An Act to grant M. G. Sawyer, his Associates and Assigns, the Right to construct and maintain a Bridge across the South Fork of the Mokelumne River, in Calaveras County. O'Brien.....	358	432	485	
286	An Act to authorize the Board of Supervisors of Calaveras County to employ a Competent Person to examine the Records, and ascertain the present existing Debt of said county, and to allow a Reasonable Compensation for the same; and, also, to allow a Reasonable Compensation for the examination already made of the Tax Rolls of said county for the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty. O'Brien.....	358	379, 551, 598	367	506

Number.....	TITLE.	Introduced ....	Further Action	Passed Assembly.....	Passed Senate.
287	An Act to amend an Act entitled an Act creating Township Assessors in Calaveras County, approved April twenty-eighth, eighteen hundred and sixty, and for other purposes. O'Brien.....	358	455, 603, 691	431	579
288	An Act to correct a Clerical Error in an Act entitled an Act to transfer certain Funds, passed March eleventh, eighteen hundred and sixty-two. Hoag.	359	376, 424, 453	363	435
289	An Act concerning Fees of Witnesses in Criminal Cases, in certain counties therein named. Hoag..	359	365, 418, 432	608	
290	An Act to incorporate the City of Sacramento. Barton of Sacramento.....	358	555, 556, 562, 592, 622, 679	562	607
291	An Act to regulate Fees in Office in the County of Sacramento. Barton of Sacramento.....	359	666, 695, 751	666	682
292	An Act to amend an Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty. Teegarden.....	359	428, 601	600	
293	An Act to repeal an Act entitled an Act to repeal the Act, passed March twenty-sixth, eighteen hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight, and to provide for the Government of the County of Sacramento. Benton.....	359			
294	An Act to authorize Rita de la Osa to sell the Real Estate of her deceased Husband, Vicente de la Osa. Watson.....	359	368, 424, 579	414	
295	An Act concerning the Board of Supervisors of the County of San Bernardino. Watson.....	359	380, 471, 535	419	451
296	An Act for the Relief of the Indigent Sick, and to confer Further Powers upon the Board of Supervisors, of the City and County of San Francisco. Tilton of San Francisco.....	371	376, 401, 410		389
297	An Act to amend an Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three. Loewy.....	371	429, 480, 652, 663		
298	An Act granting to William H. Tillinghast, and his Associates and Assigns, the Right to construct a Wharf at the place called "New York on the Pacific," in the County of Contra Costa. Porter....	371	407, 418, 424, 525, 598	468	483
299	An Act to deprive Traitors and Aiders of Treason of the Rights of Citizenship in this State, for the Confiscation of the Property of such Traitors, and for the Surrender of their Persons and Property to the United States on the requisition of the Federal Authorities. Maclay.....	371	428, 459, 486, 513, 530	532	



Number.....	T I T L E .	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.
300	An Act to grant the Right to construct and maintain a Bridge across the Mokelumne River, to certain parties therein named. Meyers.....	372	378, 384, 398, 401	381	397
301	An Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repeal certain other Acts in relation to said city. Bell...	371	380, 419, 533, 603, 692	430	577
302	An Act to regulate the Fees of Jurors and Witnesses in the County of Alameda. Moore.....	371	462		
303	An Act to extend the Time for the Construction of the Second Telegraph Line between California and the Eastern States. Watson .....	371	404, 714	418	
304	An Act to amend Section Three of an Act entitled an Act amendatory of and supplementary to an Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same, so far as the same relates to the Counties of El Dorado, Placer, and Amador. Dean.....	372	380, 419, 481, 697, 715, 725, 751	678	714
305	An Act concerning Conveyances. Bell .....	372	468, 648, 683, 708	485	647
306	An Act to authorize Charles C. Bowman, and his Associates, to construct a Wharf at the western end of the Encinal of San Antonio, Alameda County. Bell.....	372	380, 580, 603, 691	419	579
307	An Act to authorize the Coroner of Butte County to remove the Bodies of Deceased Persons. Printy.	372	421, 451, 452, 471, 597	421	
308	An Act granting the Right to keep and maintain a Toll Bridge across the North Fork of the American River, near Carrolton, in the Counties of Placer and El Dorado. Parker.....	372	520, 555, 563, 632	463	554
309	An Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourteenth, eighteen hundred and fifty-seven, and to extend its provisions to other counties herein named, approved March thirty-first, eighteen hundred and fifty-seven. Smith of Fresno.	372	471, 563, 597	418	466
310	An Act requiring Compensation for Causing Death by Wrongful Act, Neglect, or Default. Fay. ....	372	420, 441, 667, 693	421	639
311	An Act to authorize Almira Ingram, the Parent and Guardian of Jonetta M. Ingram, a Minor, to sell the Real Estate of said minor at Private Sale. Fay.....	372	509, 513, 612, 657, 687, 691	511	591
312	An Act to repeal an Act entitled an Act to repeal an Act entitled an Act to repeal so much of an Act entitled an Act supplementary to an Act for the Protection of Game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirteenth, eighteen hundred and sixty, approved March twenty-third, eighteen hundred and sixty-one. Dana.....	372	406, 424	469	

Number.....	TITLE.	Introduced ....	Further Action	Passed Assembly.....	Passed Senate..
313	An Act to authorize the Mayor and Board of Supervisors of the City and County of San Francisco to construct a Sewer in Fifth street, and for that purpose to have surveys made, to make necessary alterations in the grade of the streets to be drained thereby, and to assess certain lands to pay the expenses incident thereto. Dore.....	372	448, 619, 666, 693	602	617
314	An Act to allow the Board of Supervisors of Sacramento County to levy a Special Tax. Ferguson..	372	583		
315	An Act to better define the Boundary Line between Solano and Napa Counties. Dudley of Solano....	381	444, 445, 481, 698		
316	An Act for the Relief of W. L. Van Doren, G. B. Williams, and the Estate of S. W. Brown. Dow.	381	419		
317	An Act to grant to T. S. Benoist, and his Associates, the Right to construct a Wagon Road in Sonoma County. Dow.....	381	419, 441, 638, 692	603	623
318	An Act authorizing the People of Sonoma County to vote upon a Division of the County, and providing for the Organization of a New County. Dow.	381	526		
319	An Act changing the Time of Assessing the value of Real Estate and Personal Property, and collecting the Taxes levied thereon, for State and county purposes, in the County of Sierra. Smith of Sierra..	381	552, 596	388	506
320	An Act to amend an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Dudley of Placer.....	382	425, 612, 632	400	605
321	An Act to provide for the Collection of Delinquent Taxes in the County of Placer. Dudley of Placer.	382	425, 592, 612, 692	400	591
322	An Act repealing an Act entitled an Act creating Sixteenth and Seventeenth Judicial Districts of this State. Griswold .....	382			
323	An Act to authorize William N. Wade, J. L. Smith, and their Associates, to construct and maintain a Wharf at San Quentin, in the County of Marin. Gordon .....	382			
324	An Act supplemental to an Act entitled an Act to create the Office of State Geologist, and to define the Duties thereof. Sears.....	382	394, 629, 693	387	623
325	An Act concerning the County Records of the County of Trinity. Matthews .....	382	484, 512, 563, 597	419	483
326	An Act to provide for the Registration of Marriageable Persons. Morrison.....	382	420, 450		
327	An Act to amend an Act to regulate Proceedings in Courts of Justice, as passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto. Morrison.....	382			

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.
328	An Act to amend an Act, approved February nineteenth, eighteen hundred and sixty-two, entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow Money for Municipal Purposes. Morrison.....	382	409, 563, 632	409	554
329	An Act to fix the Salary of the County Judge of the County of Santa Cruz. Eagar.....	382	394, 424, 453	389	411
330	An Act to amend an Act for the Protection of Game, passed May thirteenth, eighteen hundred and fifty-four. Duna.....	382	419, 426		
331	An Act to authorize the Issuance of a certain Duplicate Bond to Iredell M. Hart. Irwin.....	382	403, 468, 586, 611	458	579
332	An Act for the Relief of Oliver and Lewis. Woodman.....	382	393, 563, 632	414	554
333	An Act fixing the Salaries of State Officers, Members of the Legislature, Supreme Judges, District Judges and Clerks. Fay.....	382	426, 476, 494, 496, 497, 551, 659, 662	646	
334	An Act to authorize the Executor of the Estate of Samuel Criswell to sell Real Estate at Public or Private Sale. O'Brien.....	383	402, 424, 579	402	
335	An Act to provide for the Revision and Classification of the Statutes of this State. Yule.....	383	614		
336	An Act to provide for the Construction of a Public Wagon and Stage Road in Contra Costa County, to the summit of the Divide on the Alameda County line. Porter.....	383	651, 695, 731	634	681
337	An Act to authorize the Board of Supervisors of San Joaquin County to appropriate Money. Meyers.....	383	403, 477, 586, 611	458	579
338	An Act to provide for a Commission to revise the Statutes of the State of California. Battles.....	383			
339	An Act for the Relief of Charles B. Young. Battles.....	383	448, 644	734	
340	An Act for the Relief of J. C. Langton. Smith of Sierra.....	390	394, 419		
341	An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra. Smith of Sierra.....	390	397, 413, 479, 596	397	
342	An Act to amend an Act entitled an Act in relation to the County Officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one. Smith of Sierra.....	390	397, 405, 436, 442, 518	397	435
343	An Act to provide for the Construction of a Railroad from Mokelumne City to the Town of Woodbridge, in San Joaquin County. Thompson of San Joaquin.....	390	401, 408, 438, 452	415	449

Number.....	TITLE.	Introduced .....	Further Action	Passed Assembly .....	Passed Senate.
344	An Act to construct a Turnpike Road between the City of Petaluma and Town of Santa Rosa, in Sonoma County. Elason.....	390	429, 468, 512, 597	458	493
345	An Act amendatory of and supplementary to an Act to regulate Elections, approved March twenty-third, eighteen hundred and fifty. O'Brien.....		506		
346	An Act in relation to Suits brought for the Collection of Delinquent Taxes. Ferguson.....	398	648, 668, 670, 682, 791	459	647
347	An Act to liquidate an Equitable Claim against the City and County of Sacramento. Ferguson.....	398	583		
348	An Act to grant the Right to construct a Turnpike Road between Searsville, in San Mateo County, and Pescadero, in Santa Cruz County. Tilton of San Mateo .....	398	410, 458, 468, 520, 683, 709	645	669
349	An Act for the Relief of Joseph Kern. Hoag.....	398	625, 668		
350	An Act to authorize the Parties therein named to establish and maintain a Ferry. Dudley of Solano.....	398	645, 683, 708	644	669
351	An Act to provide for holding an Election in the City of Sacramento. Sacramento Delegation.....	398	399, 407, 410	401	411
352	An Act amendatory of Article Four of an Act entitled an Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing Sections Thirty-Six to Sixty-Four, inclusive, and all Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article Four. Dore.....	398	492, 562, 623, 647, 692	527	622
353	An Act to create and organize a Fire Department in the Town of Mokelumne Hill, in Calaveras County. Campbell .....	412	432, 457, 603, 692	432	579
354	An Act to provide for the Construction of a Railroad from the City of Stockton, San Joaquin County, to Copperopolis, Calaveras County. Meyers.....	412	433		
355	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Hoag .....	412	482, 491, 591, 681	538	
356	An Act to authorize Henry A. Osborn to construct and maintain a Wharf in the City and County of San Francisco. Worthington.....	412			
357	An Act to authorize the Superintendent of Common Schools, in the County of Fresno, to teach School. Smith of Fresno.....	413	423, 459, 477, 587, 603, 691	459	587
358	An Act for the Relief of L. A. Robie. Battles.....	413			



Number.....	TITLE.	Introduced ....	Further Action	Passed Assem- bly.....	Passed Senate.
359	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Porter.....	415	429, 509, 563, 632	494	554
360	An Act to amend an Act entitled an Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain Rights and Privileges. Teegarden..	437	463, 582, 628, 693		606
361	An Act to repeal an Act entitled an Act for the Protection of Fisheries, passed April twentieth, eighteen hundred and sixty. Fay.....	437	478		
362	An Act concerning Roads and Highways in the County of Placer. Hilleyer.....	437	529, 603, 692	194	577
363	An Act to provide for the Appointment of a Measurer of Wood in the City and County of San Francisco. Fay.....	437	473, 603, 683, 708	638	681
364	An Act making Appropriations for the Support of the Civil Government of this State for the Fourteenth Fiscal Year, commencing on the first day of July, eighteen hundred and sixty-two, and ending on the thirtieth day of June, eighteen hundred and sixty-three, inclusive. Committee on Ways and Means.....	447	462, 472, 510, 588, 589, 606, 609, 616, 697, 705, 729, 714, 739, 752	456, 479	586
365	An Act making Appropriations for Deficiencies in Appropriations made for the Thirteenth Fiscal Year, ending on the thirtieth day of June, eighteen hundred and sixty-two. Committee on Ways and Means.....	447	606, 609, 616, 663, 670, 672, 702, 703, 710, 716, 723, 752	471	586
366	An Act to provide for the Construction of a Railroad from the City of Stockton, in San Joaquin County, to French Camp, in the same county. Meyers.....	453			
367	An Act to authorize the Construction of a Wagon Road from Wood's Bar to Highland Flat, in the County of Stanislaus. Love.....	453	539, 628	608	
368	An Act to amend an Act, approved April seventeenth, eighteen hundred and sixty-one, entitled an Act for the Preservation of Game, passed May thirteenth, eighteen hundred and fifty-four. Van Zandt.....	453			
369	An Act to authorize David J. Beasley to construct and maintain a Wharf at a point known as McConnell's Landing, and now owned by the said David J. Beasley, in the County of Mendocino, two and a half miles south of Fish Rock. Ames.	453		461	
370	An Act to prohibit the Game of "Props." Jackson.	453			
371	An Act to exempt a certain portion of Sutter County from the operation of an Act concerning Hogs Running at Large, approved April twenty-first, eighteen hundred and sixty. Wilcoxon....	453			

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170	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	170	170	170	170
171	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	171	171	171	171
172	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	172	172	172	172
173	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	173	173	173	173
174	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	174	174	174	174
175	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	175	175	175	175
176	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	176	176	176	176
177	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	177	177	177	177
178	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	178	178	178	178
179	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	179	179	179	179
180	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	180	180	180	180
181	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	181	181	181	181
182	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	182	182	182	182
183	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	183	183	183	183
184	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	184	184	184	184
185	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	185	185	185	185
186	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	186	186	186	186
187	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	187	187	187	187
188	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	188	188	188	188
189	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	189	189	189	189
190	An Act to amend the Constitution of the State and to provide for the election of judges of the Supreme Court.	190	190	190	190

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386	An Act for the Relief of William M. Lombard. Tilton of San Francisco.....	466	626	626	
387	An Act to return to the Swamp Land Fund of the State, certain Moneys belonging thereto, now in the General Fund. Hoag.....	467	526, 636		
388	An Act to regulate the Fees of the Surveyor of the City and County of San Francisco, and prescrib- ing certain Duties for such Surveyor. Tilton of San Francisco.....	466			
389	An Act to grant the Right to construct and maintain a Toll Bridge across the Mokelumne River to P. A. Athearne, and his Associates. Thompson of San Joaquin.....	467	482, 611	482	554
390	An Act relating to Acknowledgments heretofore taken by Justices of the Peace. Reed.....	467			
391	An Act to provide for the Appointment of a Resident Physician and Chaplain of the State Prison, and to fix their Compensation. Ames.....	467	540		
392	An Act to amend Sections Thirty-Two and Thirty- Eight of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and fifty four. Dean.....	467	537, 619, 739, 752	590	733
393	An Act to amend an Act to provide for the Incorpor- ation of Railroad Companies, and the Management of the Affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one. Maclay .....	467	689		
394	An Act to fix and regulate the Fees and Salaries of Officers in the County of Santa Barbara. Com- mittee on Retrenchment.....	474			
395	An Act fixing the Salary of the District Attorney for the County of Marin. Committee on Retrench- ment.....	474			
396	An Act to separate the offices of County Recorder, County Auditor, and Clerk of the Board of Super- visors, from the office of County Clerk, in the County of Los Angeles. Committee on Retrench- ment.....	474			
397	An Act to separate the office of County Superinten- dent of Common Schools from the office of County Clerk, in the County of Los Angeles. Committee on Retrenchment.....	474			
398	An Act appropriating Money for the Improvement of the San Joaquin River. Committee on Re- trenchment .....	476	615		
399	An Act fixing the Salaries of the County Judge, Dis- trict Attorney, County Clerk, and Deputies, ex				

Number.....	TITLE.	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.....
	office Auditor and Clerk of the Board of Supervisors, and all the offices which he now fills, and Treasurer, for the County of Trinity. Committee on Retrenchment.....	474			
400	An Act fixing the Salaries of the County Judge, District Attorney, County Clerk, and Sheriff, for the County of Alameda. Committee on Retrenchment .....	474			
401	An Act fixing the Salaries of the County Judge, District Attorney, County Clerk, Deputies, ex officio officers, Sheriff, Deputy Sheriff, Superintendent of Public Schools, and Treasurer, for the County of Napa. Committee on Retrenchment.....	474	518		
402	An Act fixing the Salaries of the County Clerk, Deputy Clerk, and Treasurer, for the County of Mendocino. Committee on Retrenchment.....	474	517	709	
403	An Act to restrict the Herding of Sheep in certain counties of this State. Ames.....	476	477, 529, 683, 708	645	669
404	An Act to change the Name of Lake Bigler. Benton.....	476			
405	An Act to authorize the Board of Supervisors of the City and County of San Francisco to contract with White and Dernier to manufacture and erect Signs designating the Names of the Principal Streets. Worthington.....	476			
406	An Act to permit C. C. Castle to construct a Canal from Castle Slough, in San Joaquin County, to the San Joaquin River, in the same county. Meyers.	476	541		
407	An Act in relation to the office of Superintendent of Common Schools in the County of San Diego. Hoffman.....	476	485, 612, 643		587
408	An Act to define the Boundaries of Butte County. Priddy.....	476			
409	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State. Dow .....	476	525		
410	An Act to authorize C. J. Collins, or his Assigns, to maintain a Wharf in Solano County. Dudley of Solano.....	472			
411	An Act to amend an Act entitled an Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties on the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight. Committee on Ways and Means.....	472	652, 663	688	
412	An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases, approved April twenty-ninth, eighteen hundred and fifty-one. Judiciary Committee.....	475	477		



## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	TITLE.	Introduced ....	Further Action	Passed Assembly.....	Passed Senate.
413	An Act to divide the State into Congressional Districts, and to fix the Time of Electing Representatives to Congress. Substitute for Senate Bill No. 37.	479	521, 480	637	
414	An Act to provide for the Maintenance and Government of the State Reform School. Committee on Education.....	481	607, 628	620	
415	An Act supplementary to an Act entitled an Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight. Hoag .....	491	618	491	
416	Amendments to the Constitution. Committee.....	500	510, 611	505	554
417	An Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, in so far as it relates to the Fourth and Twelfth Judicial Districts, approved April seventeenth, eighteen hundred and sixty-two. Battles.....	493	540, 558, 609, 612, 632	540	605
418	An Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty. Bigelow .....	494	509, 677	673	
419	An Act to appropriate Money to pay Myron Norton for services as Stamp Inspector. Committee on Claims .....	514	613, 668		
420	An Act to provide for the Appointment of Commissioners to obtain from the Land Department at Washington a Cession of the Lands donated to the State of California by various Acts of Congress. Shannon.....	519	530, 559, 562, 587	564	
421	An Act granting the Right to construct and maintain a Bridge across the American River, at Twentieth street, in the City and County of Sacramento. Saul .....	519	530, 691, 705		
422	An Act to prevent the Granting of Charters and Franchises, and the repeal of the same. Fay.....	519			
423	An Act to amend an Act entitled an Act in relation to the Probate Court in the City and County of San Francisco, approved May eighteenth, eighteen hundred and sixty-one. Fay .....	519	613	734	
424	An Act to appropriate Money for the Improvement of the State Insane Asylum. Maclay .....	519	623, 640, 648	530	
425	An Act to provide for the Collection of Road Poll Taxes in the County of Contra Costa. Porter.....	519	530, 577, 611	519	577
426	An Act to appropriate Money for the Maintenance and Support of the District Agricultural and Mechanical Societies. Meyers.....	519	551, 605, 614, 687	527, 678	

## ASSEMBLY BILLS.

[See Assembly Journal.]

Number.....	T I T L E .	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.
427	An Act creating a State Infirmary for California. Teegarden.....	519	521		
428	An Act to amend an Act to repeal the several Charters of the City of San Francisco. Worthington..	519	626, 651	644	
429	An Act to amend an Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco. Tilton of San Francisco.....	519	540, 601, 647	600	
430	An Act to give the Board of Supervisors of the County of Santa Clara, control over certain Rivers therein named. MacLay.....	519	526, 551, 671, 683, 708	527	671
431	An Act to annex a portion of Solano County to the County of Napa, and to adjust the Indebtedness thereof. Ames.....	519			
432	An Act concerning the offices of Constable, Tax Collector, and Assessor, in the County of Placer. Yule.....	519			
433	An Act to authorize John S. Williams, and his Associates, to construct a Wharf in the City and County of San Francisco. Tilton of San Francisco.....	528	603, 646, 692	590	639
434	An Act appropriating Money to pay the cost of Removing the State Printing Office to and from San Francisco. Sutton.....	528	586, 600, 704, 739, 752	698	728
435	An Act to remove the State Reform School to the City and County of San Francisco, and to unite the same with the Industrial School of said city and county. Teegarden.....	528	626		
436	An Act to provide for the Better Care of the Indigent Sick of the County of San Bernardino. Dudley of Solano.....	528	671, 683, 709	604	671
437	An Act to authorize the Board of Supervisors of San Francisco to appropriate Money for the Construction of two Wharves upon the Water Front of said city. Fay.....	528	539, 614, 698		
438	An Act supplementary to an Act to provide for the Collection and Payment of the Quota of the Direct Tax apportioned to this State by Act of Congress. Hoag.....	528	537, 662, 692	538	
439	An Act to provide for the Publication and Distribution of the Laws of eighteen hundred and sixty-two, relative to Revenue, and to call Meetings of the Boards of Supervisors of the several counties. Hoag.....	529	576, 596	538	578
440	An Act to amend an Act entitled an Act to provide for the Establishment, Maintenance, and Protection of Public and Private Roads, approved May sixteenth, eighteen hundred and sixty-one. Dudley of Solano.....	528	706, 751	539	702

Number.....	T I T L E .	Introduced ....	Further Action	Passed Assembly.....	Passed Senate..
441	An Act to appropriate Fifteen Thousand Dollars for the Construction of a Wagon Road through the County of San Diego. Hoffman.....	528			
442	An Act to grant the Right to construct a Bridge across the Cosumnes River. Frazier.....	528	540, 562, 612, 693	605	
443	An Act to detach the Counties of Marin, Contra Costa, and Solano, from the Seventh Judicial District. Eliason.....	528	540		
444	An Act to create a University Fund. Hoag .....	528	642, 646		
445	An Act supplementary to an Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five. Sargent.....	528	538, 619	602	
446	An Act to establish and maintain a State Normal School. Sargent.....	529	538, 619, 683, 695, 708	602	682
447	An Act empowering John A. Rudesill, and his Associates, to construct a Turnpike Road in Sonoma County. Dow .....	529	595, 702	698	
448	An Act making Certificates of Purchase prima facie Evidence of Title. Meyers.....	529	593		
449	An Act to consolidate certain Offices in Tehama County. Thompson of Tehama.....	533	595, 601		
450	An Act to grant the Right of Way for a Railroad within the City of San Francisco. Tilton of San Francisco.....	542	626, 739, 752	668	733
451	An Act to amend an Act to prohibit the Erection of Dams, or other Obstructions to the Run of Salmon. Saul .....	542	595		
452	An Act to provide a Special Appropriation for the State Insane Asylum. Meyers.....	542	614	615	
453	An Act to provide for the Payment of the Rent of the Apartments occupied by the Legislature at its Thirteenth Session. Fay .....	542	740		
454	An Act to amend an Act entitled an Act to repeal an Act, passed March twenty-sixth, eighteen hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereof, and to incorporate the City of Sacramento. Saul.....	542	560		
455	Proposed Amendments to the Constitution. Hoag...	542	652	649, 650	
456	An Act directing the Payment of a certain Claim. Committee on Claims.....	542	673, 697	687	

Number.....	TITLE.	Introduced .....	Further Action	Passed Assembly .....	Passed Senate..
457	An Act to appropriate Money for the Procurement of a Suit of Flags, to be presented to the California Regiment, commanded by Col. Roderick Matthews, and now in the service of the United States. Eliason.....	542			
458	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Matthews.....	542	735	576	
459	An Act to appropriate Money for certain purposes therein mentioned. Warwick.....	542	661, 662, 663	663	
460	An Act to regulate or abolish certain Contracts for Convict Labor, entered into by the late State Prison Directors. Warwick.....	542	702	607	
461	An Act to declare Uldarico Hartnell, a Minor, of Lawful Age. Cot.....	542			
462	An Act to appropriate Money to Pay the Witnesses summoned to testify in the Hardy Impeachment Case. Hong.....	582	739, 752	737	
463	An Act to repeal an Act amendatory of an Act entitled an Act for the Government and Protection of Indians, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty. Fay.....	595	619, 714,	604	
464	An Act to amend an Act for the Government and Protection of Indians, passed April twenty-second, eighteen hundred and fifty. Committee on Indian Affairs.....	595	619	604	714
465	An Act to authorize John B. Treadwell and others to convey Real Estate in the City of Los Angeles. Morrison .....	599	624		
466	An Act to cede certain territory of the State of California to the Territory of Nevada. Machin.....	599			
467	An Act to prevent and punish Fraudulent Entries in Books of Account. Zuck.....	599			
468	An Act in amendment of an Act entitled an Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty. Ames.....	599	662		
469	An Act to transfer and legalize certain Records in the County of Mono. Orr.....	624	628, 681	624	
470	An Act to prevent the Destruction and Fencing of Fords on Roads and Public Highways. Bell.....	624			
471	Proposed Amendments to the Constitution. Ken-.....	627	629, 636, 645, 649		
472	An Act to organize the Fire Department of the Town of Timbuctoo, Yuba County. Jackson.....	642	672, 693	642	657



Number.....	TITLE.	Introduced .....	Further Action	Passed Assembly.....	Passed Senate.....
473	An Act to prohibit the Keeping Open of Bath Houses, Barber Shops, and Hair Dressing Saloons, in the City of San Francisco, during certain hours of the first day of the week, known as the Sabbath Day. Morrison.....	641	683, 708	657	669
474	An Act concerning the Funded Debt of the City of Sacramento. Benton.....	664	683, 751	664	669
475	An Act to authorize the Board of Trustees of the Society of California Pioneers, of San Francisco, to sell, mortgage, and convey certain Real Estate. Van Zandt.....	666	683, 708	666	682
476	An Act to provide for the Printing and Distribution of the Monthly Journals of the State Agricultural Society. Moore.....	669	696		
477	An Act to provide for the Defence of the Harbor of San Francisco. Collins.....	676	555, 687, 694, 704	698	
478	An Act to grant the Right to construct a Turnpike Road between the Town of Columbia and the City of Sonora, in the County of Tuolumne. Orr.....	679	697, 706, 751	679	702
479	An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Amerige.....	679	739, 752	696	728
480	An Act to submit the Claim of William Martin against the County of Siskiyou to the Voters of said county. Irwin.....	679	706, 751	679	702
481	An Act concerning the School Fund of the State of California. Benton.....	679	696	698	
482	An Act to amend an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Committee on Ways and Means.....	690		696	
483	An Act to require the Secretary and Controller of State to turn over all Vouchers and Certificates representing unpaid Claims for Indian War Indebtedness, now on file in their respective offices, to the Board of Examiners of War Claims of this State. Smith of Sierra.....	701	739, 752	709	
484	An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the Construction and Repair of Levees in the County of Sacramento, and the mode of raising Revenue therefor, approved April ninth, eighteen hundred and sixty-two, approved April twenty-sixth, eighteen hundred and sixty-two. Ferguson.....	705	715, 723, 752	705	714
485	An Act to amend an Act entitled an Act to authorize the County of Placer to loan its Credit to the Sacramento, Placer, and Nevada Railroad Com-				

Number.....	TITLE.	Introduced ....	Further Action	Passed Assembly.....	Passed Senate.
	pany, to the amount of One Hundred Thousand Dollars, approved April eighth, eighteen hundred and sixty-two. Dudley of Placer.....	707	723, 752	711	714
486	An Act to lay a Special Tax, for Road purposes, in San Mateo County. Tilton of San Francisco.....	707	729, 739, 752	707	728
487	An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases. Kendall.....	709	739, 752	709	728
488	An Act providing for Free Bridges across J and K streets, in the City of Sacramento. Warwick.....	714	717, 731, 759	714	578, 728
489	An Act to amend an Act entitled an Act to fix and regulate the Fees and Salaries of Officers in the County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one. Worthington.....	715			
490	An Act providing for the Payment for certain School Property in the City of Sacramento. Ferguson...	715	730, 739, 752	715	728
491	An Act legalizing Acknowledgments of Deeds and other Conveyances of Real Estate, taken before Clerks of Courts of Record. Avery.....	715	733	729	
492	An Act to provide for the Selection of a Site for the Permanent Location of the Capital of this State. Teegarden.....	717			
493	An Act fixing the Fund out of which the Salary of the Watchman and Porter of the Court House of the County of Sacramento shall be paid. Saul...	723	739, 752	737	
494	An Act to appropriate Money to pay the Claims of R. C. Chambers, John D. Goodwin, and F. F. Fargo. Shannon.....	724	734, 752	724	728
495	An Act to amend an Act entitled an Act to amend an Act amendatory of and supplementary to an Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty, approved May seventeenth, eighteen hundred and sixty-one. O'Brien.....	724			
496	An Act to legalize the Delinquent Tax Lists of the County of Sonoma for the years eighteen hundred and fifty-nine, eighteen hundred and sixty, eighteen hundred and sixty-one, and eighteen hundred and sixty-two. Eliason.....	737	749, 753	737	750
497	An Act to correct a Clerical Error in an Act making Appropriations for the Support of the Civil Government of this State for the Fourteenth Fiscal Year. Parker.....	750	758, 759	750	759

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ASSEMBLY CONCURRENT RESOLUTIONS.

[See Assembly Journal.]

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2	Relative to Joint Convention to count Votes for Governor and Lieutenant-Governor. Wright.....	28
3	Relative to Appointing John Clark to take charge of the Capitol Yard. Tilton.	31
4	Relative to Appointment of Committee to revise Salary Laws. Fay.....	114
5	Relative to Immigration of Chinese. Loewy.....	114
6	Relative to Post Office at Aurora, and Daily Mail between Carson, Nevada, and Aurora, California. Davis.....	115
7	Relative to the Appointment of a Commissioner to represent this State at Washington, for the purpose of obtaining the Confirmation of the Claim of the State to the Swamp Land within its limits. Shannon.....	185
8	Relative to the Military Defence of the State. Eagar.....	185
9	Relative to the Appointment of Messengers to transact Business between the Legislature and the Capital. Dore. ....	191
10	Relative to a Tri-Weekly Mail Route between Sacramento and Lancha Plana, and the establishment of Post Offices. Griswold.....	191
11	Relative to Indorsing the Policy of the present National Administration. Yule..	193
12	Relative to the Transfer of Members' per diem for the Purchase of Treasury Notes. Ames.....	201
13	Relative to Leave of Absence to I. C. McQuaid, District Attorney of Sutter County. Wilcox.....	174
14	Relative to the Distribution of Printed Bills. Wright.....	220
15	Relative to a Committee Visiting the Vineyard of Col. Haraszthy. Saul.....	221
16	Relative to a Committee Waiting on the State Geologist. Warwick.....	228
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18	Relative to Adjournment. Leach.....	225
19	Relative to Leave of Absence of County Clerk of Shasta County. Woodman.....	249
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21	Relative to the Transmission of the Official Journals of the Senate and Assembly to this Legislature. Porter.....	423
22	Relative to Adjournment. Fay.....	120
23	Relative to certain Indebtedness of the United States to the State of California. Warwick.....	491

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24	Relative to Collection of the Income Tax. Dudley of Placer.....	491
25	Relative to Payment of George T. Bouldin. Ames.....	485
26	Relative to Payment for Services of Paul R. Hunt.....	
27	Relative to Appointment of a Commissioner to visit Washington. Worthington...	520
28	Relative to having Constitutional Amendments correctly Enrolled. McCullough..	542
29	Relative to Granting Leave of Absence to John S. Ellis, Sheriff of San Francisco. Reeve.....	543
30	Relative to Testing Timber. Tilton of San Francisco.....	543
31	Relative to Printing Public Documents. Tilton of San Francisco.....	543
32	Relative to Memorial concerning Chinese. O'Brien.....	550
33	Rescinding Resolution to adjourn <i>sine die</i> on April fourteenth. O'Brien.....	565
34	Relating to Granting Leave of Absence to the Recorder of Santa Clara County, during a portion of his Term of Office. Brown.....	
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36	Relative to Adjournment <i>sine die</i> . Sears.....	662
37	Relative to Return of a Bill from the Office of the Secretary of State. Avery....	665
38	Relative to a Joint Convention, to elect Three Trustees of the State Reform School. Sargent.....	714
39	Relative to Distribution of Testimony in Impeachment Trial. Sears....	737
40	Relative to Suspending Joint Rule Number Fifteen. O'Brien.....	750
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